




भारत का राजपत्र

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No. 41]

NEW DELHI, SATURDAY, OCTOBER 12, 1996/ASVINA 20, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

नई दिल्ली, 31 जुलाई, 1996

(आय कर)

का.आ. 2841.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा ("मालंकारा आर्थोडोक्स सीरियन चर्च कोर्टायम, केरल" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिये निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिये इसका संबन्धन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;

- (2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक खंड अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेबर जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा, अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10161/का.सं. 197/ 92/96—आयकर
नि.-1]

एच.के. चौधरी, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 31st July, 1996

(INCOME-TAX)

S.O. 2841.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Mulankara Orthodox Syrian Church, Kottayam, Kerala" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10161/P. No. 197/92/96-ITA-I]
H. K. CHOUDHARY, Under Secy.

(मुख्यालय स्थापना)

नई दिल्ली, 1 अगस्त, 1996

का.आ. 2842.—केन्द्रीय राजस्व बोर्ड अधिनियम 1963 (1963 का 54) के खण्ड 3 के उपखंड-II में प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय राजस्व सेवा (आयकर) के अधिकारी श्री के. सुब्रह्मण्यम को दिनांक 1 अगस्त, 1996 से और अगला आदेश होने तक वित्त मंत्रालय, राजस्व विभाग के केन्द्रीय प्रत्यक्ष कर बोर्ड में सदस्य के रूप में एतद्वारा नियुक्त करती है।

[फा.सं. ए-19011/7/96-प्रशा० I]
एच.एम. चौधरी, अवर सचिव

(HEADQUARTERS ESTABLISHMENT)

New Delhi, the 1st August, 1996

S.O. 2842.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Central Boards of Revenue Act, 1963. (No. 54 of 1963), the Central Government hereby appoint Shri K. Subramaniam, an officer of Indian Revenue Service (Income-tax) as Member, Central Board of Direct Taxes, Department of Revenue, Ministry of Finance with effect from the 1st August, 1996 and until further orders.

[F. No. A-19011/7/96-Ad. I]
H. M. CHOUDHURY, Dy. Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 5 अगस्त, 1996

का.आ. 2843 सर्वसाधारण की सूचनार्थ यह अधिसूचित किया जाता है कि सचिव, पर्यावरण, और वन मंत्रालय, भारत सरकार, नई दिल्ली द्वारा आयकर नियमावली, 1962 के नियम 6-क काग के अन्तर्गत निर्धारित प्राधिकारी होने के नाते निम्नलिखित संस्था एसोसिएशन और इसके नीचे दिये गये इसके कार्यक्रमों को आयकर अधिनियम, 1961 की धारा 35 ग ख के प्रयोजनार्थ अनुमोदित किया गया है।

संस्था/एसोसिएशन का नाम

तिरुमाला तिरुपति देवस्थानम्, तिरुपति-517501

कार्यक्रम

- (i) बंजर पहाड़ी वनरोपण
- (ii) संस्थागत वृक्षरोपण
- (iii) सड़क के किनारे वृक्षरोपण
- (iv) वनों की आग से सुरक्षा
- (v) स्मारक वृक्षरोपण

धारा 35-ग ग ख की उपधारा (II) के अन्तर्गत संस्था/एसोसिएशन तथा (ii) धारा 35-ग ग ख की उपधारा (1) के अन्तर्गत कार्यक्रमों के बारे में निर्धारित प्राधिकारी द्वारा दिये गये दोनों अनुमोदन निम्नलिखित शर्तों के अनुसार दिनांक 1-4-1996 से 31-3-1998 तक दो वर्षों की अवधि के लिये वैध होंगे।

1. वनों के संरक्षण और विकास और क्षेत्र में पारिस्थितिक संतुलन बनाये रखने के लिये, जैसा कि ऊपर उल्लेख किया गया है, तिरुमाला तिरुपति देवस्थानम्, तिरुपति, इसके द्वारा प्राप्त किये गये दानों के बारे में एक अलग खाता रखेगा।

2. तिरुमाला तिरुपति देवस्थानम्, तिरुपति प्रत्येक वित्तीय वर्ष के लिये हर वर्ष 30 जून तक अपने उपलब्ध कार्यक्रमों की प्रगति रिपोर्ट निर्धारित प्राधिकारी को प्रस्तुत करेगा।

3. तिरुमाला तिरुपति देवस्थानम्, तिरुपति कुल आय एवं व्यय को दर्शाने वाले लेखा परीक्षित वार्षिक लेखों तथा प्रत्येक कार्यक्रम की अलग-अलग स्थिति को दर्शाने वाले तुलन-पत्र की एक प्रति निर्धारित प्राधिकारी को हर वर्ष 30 जून तक पेश करेगा।

4. यह अनुमोदन निर्धारित प्राधिकारी की सतत संतुष्टि के अनुसार है और यदि आवश्यक समझा गया तो इसे पूर्वस्थापी प्रभाव से वापस लिया जा सकता है।

[अधिसूचना सं. 10165/फा.सं. 203/16 96-आयकर
नि०-II]

मानधी आर. श्रीधरन, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 5th August, 1996

S.O. 2843.—It is notified for general information that the Institution/Association mentioned below and its programme given hereunder, have been approved by the Secretary, Ministry of Environment and Forests, Govt. of India, New Delhi, being the prescribed authority under the Rule 6-AAC of the Income-tax Rules, 1962, for the purposes of Section 35CCB of Income-tax Act, 1961.

Name of the Institution/Association

Tirumala Tirupati Devasthanams,
Tirupati-517 501.

Programmes

- (i) Barren Hill Afforestation
- (ii) Institutional Plantation
- (iii) Road side avenue plantation
- (iv) Fire protection of Forests
- (v) Memorial plantation.

Both the approvals accorded by the Prescribed Authority namely (i) to the Institution/Association under sub-section (2) of Section 35-CCB and (ii) to the programmes under sub-section (1) of Section 35-CCB are valid for a period of two years with effect from 1st April, 1996 to 31st March, 1998 subject to the following conditions :—

1. Tirumala Tirupati Devasthanams, Tirupati shall maintain a separate account of the donations received by it for conservation and development of forests and maintenance of ecological balance in the area as mentioned above.
2. The Tirumala Tirupati Devasthanams, Tirupati shall furnish progress reports of the programmes mentioned above to the prescribed authority for every financial year by the 30th June each year.
3. The Tirumala Tirupati Devasthanams, Tirupati shall submit to the prescribed authority by the 30th June every year, a copy of the audited annual accounts showing the total income and expenditure and balance sheet showing the position of each of the programmes separately.
4. The approval is subject to the continued satisfaction of prescribed authority and may be withdrawn with retrospective effect, if considered necessary.

[Notification No. 10165/F. No. 203/16/96/ITA.II]

MALATHI R. SRIDHARAN, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 16 सितम्बर, 1996

का.आ. 2844. राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अन्तर्गण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (ख) द्वारा प्रवृत्त व्यक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, नीचे दी गई सारणी के कॉलम (2) में निर्दिष्ट व्यक्तियों को उक्त सारणी के कॉलम (3) में निर्दिष्ट

व्यक्तियों के स्थान पर कॉलम (1) में निर्दिष्ट राष्ट्रीयकृत बैंकों के निदेशक नामित करती है :—

सारणी

1	2	3
यूनाइटेड बैंक ऑफ इंडिया	डा. अशोक के. लाहिरी आर्थिक सलाहकार, वित्त मंत्रालय, आर्थिक कार्य विभाग, आर्थिक प्रभाग, नई दिल्ली।	डा. के. बी. एन. माथुर
इंडियन बैंक	डा. के. बी. एन. माथुर, निदेशक, वित्त मंत्रालय, आर्थिक कार्य विभाग, बैंकिंग प्रभाग, नई दिल्ली।	श्री सुधीर धारगव

[का. सं. 9/3/96-बी. प्री.-I]

के. के. मंगल, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 16th September, 1996

S.O. 2844.—In exercise of the powers conferred by clause (b) of sub-section 3 of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates the persons specified in column (2) of Table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table:—

TABLE

1	2	3
United Bank of India	Dr. Ashok K. Lahiri, Economic Adviser, Ministry of Finance, Department of Economic Affairs (Economic Division) New Delhi.	Dr. K.B.L. Mathur
Indian Bank	Dr. K.B. L. Mathur, Director Minister of Finance, Department of Economic Affairs (Banking Division), New Delhi.	Sri Sathir Bhargava

[F.No. 9/3/96-BO-I]

K. K. MANGAL, Under Secy.

नई दिल्ली, 20 सितम्बर, 1996

का.आ. 2845.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबन्ध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1998 तक दि कुडुप्पा डिस्ट्रिक्ट को-ऑपरेटिव सेंट्रल बैंक लि., कुडुप्पा (आन्ध्र प्रदेश) पर लागू नहीं होंगे।

[संख्या 1(34)/96-ए.सी.]
एस.के. ठाकुर, अवर सचिव

New Delhi, the 20th September, 1996

S.O. 2845.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-section 1 of Section 11 of the said Act shall not apply to the Cuddapah District Co-operative Central Bank Ltd., Cuddapah (Andhra Pradesh) from the date of publication of this notification in the Official Gazette to 31st March, 1998.

[F. No. 1(34)/96-AC]
S. K. THAKUR, Under Secy.

नई दिल्ली, 20 सितम्बर, 1996

का.आ. 2846.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है, कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबन्ध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1999 तक दि जूनागढ़ जिला केन्द्रीय सहकारी बैंक लि., जूनागढ़ (गुजरात) पर लागू नहीं होंगे।

[संख्या 1(36)/96-ए.सी.]
एस.के. ठाकुर, अवर सचिव

New Delhi, the 20th September, 1996

S.O. 2846.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-section 1 of Section 11 of the said Act shall not apply to the Junagadh District Central Co-operative Bank Ltd., Junagadh (Gujarat) from the date of publication of this notification in the Official Gazette to 31st March, 1999.

[F. No. 1(36)/96-AC]
S. K. THAKUR, Under Secy.

नई दिल्ली, 23 सितम्बर, 1996

का.आ. 2847.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबन्ध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1999 तक दि अजमेर केन्द्रीय सहकारी बैंक लि., अजमेर (राजस्थान) पर लागू नहीं होंगे।

[सं. 1(21)/96-ए.सी.]
एस.के. ठाकुर, अवर सचिव

New Delhi, the 23rd September, 1996

S.O. 2847.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-section 1 of Section 11 of the said Act shall not apply to the Ajmer Central Co-operative Bank Ltd. Ajmer (Rajasthan) from the date of publication of this notification in the Official Gazette to 31st March, 1999.

[F. No. 1(21)/96-AC]
S. K. THAKUR, Under Secy.

नई दिल्ली, 23 सितम्बर, 1996

का.आ. 2848.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबन्ध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1998 तक दि आस्का केन्द्रीय सहकारी बैंक लि., आस्का (गंजम) (उड़ीसा राज्य) पर लागू नहीं होंगे।

[सं. 1(26)/96-ए.सी.]
एस.के. ठाकुर, अवर सचिव

New Delhi, the 23rd September, 1996

S.O. 2848.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-section 1 of Section 11 of the said Act shall not apply to the Aska Co-operative Central Bank Ltd., Aska (Ganjam) (Orissa State) from the date of publication of this notification in the Official Gazette to 31st March, 1998.

[F. No. 1(26)/96-AC]
S. K. THAKUR, Under Secy.

नई दिल्ली, 23 सितम्बर, 1996

का.आ. 2849.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय

सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है, कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबन्ध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1999 तक जिला सहकारी बैंक लि., आजमगढ़ (उ.प्र.) पर लागू नहीं होंगे।

[सं. 1(29)/96-ए.सी.]

एम.के. ठाकुर, अवर सचिव

New Delhi, the 23rd September, 1996

S.O. 2849.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-section 1 of Section 11 of the said Act shall not apply to the District Co-operative Bank Ltd., Azamgarh (U.P.) from the date of publication of this notification in the Official Gazette to 31st March, 1999.

[F. No. 1(29)/96-AC]

S. K. THAKUR, Under Secy.

नई दिल्ली, 24 सितम्बर, 1996

का.आ. 2850.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबन्ध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1997 तक बड़ौदा केन्द्रीय सहकारी बैंक लि. बड़ौदा (गुजरात) पर लागू नहीं होंगे।

[सं. 1(28)/96-ए.सी.]

एस.के. ठाकुर, अवर सचिव

New Delhi, the 24th September, 1996

S.O. 2850.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-section 1 of Section 11 of the said Act shall not apply to the Baroda Central Co-operative Bank Ltd., Baroda (Gujarat) from the date of publication of this notification in the Official Gazette to 31st March, 1999.

[F. No. 1(28)/96-AC]

S. K. THAKUR, Under Secy.

नई दिल्ली, 24 सितम्बर, 1996

का.आ. 2851.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खण्ड (इ) के अनुसार, केन्द्रीय सरकार, एतद्वारा, वित्त मंत्रालय, नई दिल्ली के अपरसचिव (बैंकिंग) श्री सी. एम. वासुदेव, आई ए एस (उत्तर प्रदेश : 66) को डा. वाई.बी. रेड्डी के स्थान पर पर भारतीय स्टेट बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नामित करती है।

[सं. एफ. 9/3/96-बी.ओ. I(i)]

के.के. मंगल, अवर सचिव

New Delhi, the 24th September, 1996

S.O. 2851.—In terms of clause (e) of Section 19 of the State Bank of India Act, 1955 (23 of 1955), the Central Government hereby nominates Shri C. M. Vasudev, IAS (UP : 66), Additional Secretary (Banking), Ministry of Finance, New Delhi as a Director on the Central Board of the State Bank of India vice Dr. Y. V. Reddy.

[F. No. 9/3/96-BO.I(i)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 24 सितम्बर, 1996

का.आ. 2852.—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खण्ड (ग) के अनुसार, केन्द्रीय सरकार, एतद्वारा, वित्त मंत्रालय, नई दिल्ली के अपर सचिव (बैंकिंग) श्री सी. एम. वासुदेव, आई ए एस (उत्तर प्रदेश : 66) को भारतीय औद्योगिक विकास बैंक के निदेशक बोर्ड में निदेशक के रूप में नामित करती है।

[एफ.सं. 9/3/96-बी.ओ. I(ii)]

के.के. मंगल, अवर सचिव

New Delhi, the 24th September, 1996

S.O. 2852.—In terms of clause (c) of sub-section (1) of Section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Shri C. M. Yadav, IAS (UP : 66), Additional Secretary (Banking), Ministry of Finance, New Delhi as a Director on the Board of Directors of Industrial Development Bank of India vice Dr. Y. V. Reddy.

[F. No. 9/3/96-BO.I(ii)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 24 सितम्बर, 1996

का.आ. 2853.—भारतीय औद्योगिक पुनर्निर्माण बैंक अधिनियम, 1984 (1984 का 62) की धारा 10 की उपधारा (1) के खण्ड (घ) के उपखंड (1) के अनुसरण में, केन्द्रीय सरकार एतद्वारा श्री सी. एम. वासुदेव, आई ए एस (उत्तर प्रदेश : 66) अपर सचिव (बैंकिंग), वित्त मंत्रालय, आर्थिक कार्य विभाग, नई दिल्ली को डा. वाई.बी. रेड्डी के स्थान पर भारतीय औद्योगिक पुनर्निर्माण बैंक के निदेशक के रूप में नामित करती है।

[सं. एफ. 9/3/96-बी.ओ. I(iii)]

के.के. मंगल, अवर सचिव

New Delhi, the 24th September, 1996

S.O. 2853.—In pursuance of sub-clause (i) of clause (d) of sub-section (1) of Section 10 of the Industrial Reconstruction Bank of India Act, 1984 (62 of 1984), the Central Government hereby nominates Shri C. M. Vasudev, IAS (UP : 66), Additional Secretary (Banking), Ministry of Finance, Department of Economic Affairs, New Delhi, as a Director of the Industrial Reconstruction Bank of India vice Dr. Y. V. Reddy.

[F. No. 9/3/96-BO.I(iii)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 24 सितम्बर, 1996

का.आ. 2854.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (1) के खण्ड (ड) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा वित्त मंत्रालय, नई दिल्ली में अपर सचिव (बैंकिंग) श्री सी. एम. वासुदेव, आई.ए.एस. (उत्तर प्रदेश : 66) को डा. वाई.वी. रेड्डी के स्थान पर राष्ट्रीय कृषि और ग्रामीण विकास बैंक का निदेशक नियुक्त करती है।

[सं.एफ. 9/3/96-बी.ओ. I(iv)]
के.के. मंगल, अवर सचिव

New Delhi, the 24th September, 1996

S.O. 2854.—In pursuance of clause (e) of sub-section (1) of Section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government hereby appoints Shri C. M. Vasudev, IAS (UP : 66), Additional Secretary (Banking), Ministry of Finance, New Delhi as the Director of the National Bank for Agriculture and Rural Development vice Dr. Y. V. Reddy.

[F. No. 9/3/96-BO.I(iv)]
K. K. MANGAL, Under Secy.

नई दिल्ली, 24 सितम्बर, 1996

का.आ. 2855.—राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 का 53) की धारा 6 की उपधारा (1) के खण्ड (ड) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिज़र्व बैंक के साथ परामर्श करने के पश्चात्, एतद्वारा श्री सी. एम. वासुदेव, आई.ए.एस. (उत्तर प्रदेश : 66) अपर सचिव (बैंकिंग), वित्त मंत्रालय, नई दिल्ली, को डा. वाई.वी. रेड्डी के स्थान पर राष्ट्रीय आवास बैंक के निदेशक बोर्ड में निदेशक के रूप में नियुक्त करती है।

[सं. 9/3/96-बी.ओ. I(v)]
के.के. मंगल, अवर सचिव

New Delhi, the 24th September, 1996

S.O. 2855.—In pursuance of clause (e) of sub-section (1) of Section 6 of the National Housing Bank Act, 1987 (53 of 1987), the Central Government, in consultation with Reserve Bank of India, hereby appoints Shri C. M. Vasudev, IAS (UP : 66), Additional Secretary (Banking), Ministry of Finance, New Delhi as a Director on the Board of Directors of the National Housing Bank vice Dr. Y. V. Reddy.

[F. No. 9/3/96-BO.I(v)]
K. K. MANGAL, Under Secy.

आदेश

नई दिल्ली, 24 सितम्बर, 1996

का.आ. 2856.—वित्त मंत्रालय, नई दिल्ली के अपर सचिव (बैंकिंग) श्री सी. एम. वासुदेव, आई.ए.एस. (उ.प्र. : 66), डा. वाई.वी. रेड्डी के स्थान पर, 24 सितम्बर, 1996 से प्रगल्हा आदेश जारी होने तक अपने कार्यभार के

अतिरिक्त, ससर्वाती रूप से राष्ट्रीय आवास बैंक के अध्यक्ष एवं प्रबंध निदेशक के पद का अतिरिक्त कार्यभार भी सम्भालेंगे।

[सं. 7/1/95-बी.ओ. I]
के.के. मंगल, अवर सचिव

ORDER

New Delhi, the 24th September, 1996

S.O. 2856.—Shri C. M. Vasudev, IAS (UP : 66), Additional Secretary (Banking), Ministry of Finance, New Delhi will, in addition to his own duties, concurrently hold additional charge of the post of Chairman and Managing Director National Housing Bank, vice Dr. Y. V. Reddy, with effect from 24th September, 1996 and until further orders.

[F. No. 7/1/95-BO.I]
K. K. MANGAL, Under Secy.

नई दिल्ली, 25 सितम्बर, 1996

का.आ. 2857.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिज़र्व बैंक की सिफारिश पर घोषणा करती है, कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबन्ध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1998 तक दि जिला सहकारी केन्द्रीय बैंक मर्यादित, दतिया (मध्य प्रदेश) पर लागू नहीं होंगे।

[सं. 1(23)/96-ए.सी.]
एस.के. ठाकुर, अवर सचिव

New Delhi, the 25th September, 1996

S.O. 2857.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Jila Sahakari Kendriya Bank Maryadit, Datia (Madhya Pradesh) from the date of publication of this notification in the official Gazette to 31st March, 1998.

[F. No. 1(23)/96-AC]
S. K. THAKUR, Under Secy.

नई दिल्ली, 25 सितम्बर, 1996

का.आ. 2858.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिज़र्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबन्ध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1998 तक दि जिला सहकारी केन्द्रीय बैंक मर्यादित, रायसेन (मध्य प्रदेश) पर लागू नहीं होंगे।

[सं. 1(24)/96-ए.सी.]
एस.के. ठाकुर, अवर सचिव

New Delhi, the 25th September, 1996

(बीमा प्रभाग)

S.O. 2858.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government of India on the recommendations of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Jila Sahakari Kendriya Bank, Maryadit, Raisen (Madhya Pradesh) from the date of publication of this notification in the official Gazette to 31st March, 1998.

[F. No. 1(24)/96-AC]
S. K. THAKUR, Under Secy.

नई दिल्ली, 26 सितम्बर, 1996

का.आ. 2859.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10), की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 13 के उपबन्ध इस अधिसूचना के प्रकाशन की तारीख से 5 वर्ष तक की अवधि के लिए बैंक आफ बड़ौदा पर लागू नहीं होंगे।

[संख्या 12/21/96-बी.ओ.ए. (क)]
पी. मोहन, निदेशक (बी. ओ.)

New Delhi, the 26th September, 1996

S.O. 2859.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 13 of the said Act shall not apply for a period of five years from the date of this notification to the Bank of Baroda.

[No. 12/21/96-BOA(a)]
P. MOHAN, Director (BO)

नई दिल्ली, 26 सितम्बर, 1996

का.आ. 2860.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10), की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 15(1) के उपबन्ध इस अधिसूचना के प्रकाशन की तारीख से 5 वर्ष तक की अवधि के लिए बैंक आफ बड़ौदा पर लागू नहीं होंगे।

[संख्या 12/21/96-बी.ओ.ए. (ख)]
पी. मोहन, निदेशक (बी. ओ.)

New Delhi, the 26th September, 1996

S.O. 2860.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 15(1) of the said Act shall not apply for a period of five years from the date of this notification to the Bank of Baroda.

[No. 12/21/96-BOA(b)]
P. MOHAN, Director (BO)

नई दिल्ली, 27 सितम्बर, 1996

का.आ. 2861.—केन्द्रीय सरकार, भारतीय जीवन बीमा निगम वर्ग 3 और वर्ग 4 कर्मचारी (सेवा में निबंधनों और शर्तों का पुनरीक्षण) नियम, 1985 के नियम 13 के उपनियम (2) द्वारा शक्तियों का प्रयोग करते हुए, यह निर्धारित करती है कि वर्ग 3 और 4 के कर्मचारियों में से प्रत्येक को 1 अप्रैल, 1995 को आरम्भ होने वाली और 31 मार्च, 1996 को समाप्त होने वाली अवधि के लिए बोनस के बदले में संदाय, उक्त उपनियम में अन्य उपबन्धों के अधीन रहते हुए, उसके संबलन के 15 प्रतिशत की दर पर किया जाएगा।

[पत्र सं. 2(7)/बीमा-3(94)]
राजेन्द्र प्रसाद, अवसर सचिव

(Insurance Division)

New Delhi, the 27th September, 1996

S.O. 2861.—In exercise of the powers conferred by sub-rule (2) of rule 13 of the Life Insurance Corporation of India Class III and Class IV Employees (Revision of Terms and Conditions of Service) Rules, 1985 the Central Government hereby determine that, subject to the other provisions of the said sub-rule, the payment in lieu of bonus for the period commencing on the 1st day of April, 1995 and ending with 31st March, 1996 to every Class III and Class IV employee shall be at the rate of 15 per cent of his salary.

[F. No. 2(7)/Ins. III/94]
RAJENDRA PRASAD, Under Secy.

नई दिल्ली, 30 सितम्बर, 1996

का.आ. 2862.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 13 के उपबन्ध इस अधिसूचना की तारीख से पांच वर्ष की अवधि के लिए देना बैंक पर लागू नहीं होंगे।

[सं. 12/18/96-बी.ओ.ए. (क)]
पी. मोहन, निदेशक (बी. ओ.)

New Delhi, the 30th September, 1996

S.O. 2862.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 13 of the said Act shall not apply for a period of five years from the date of this notification to the Dena Bank.

[No. 12/18/96-BOA(a)]
P. MOHAN, Director (BO)

नई दिल्ली, 30 सितम्बर, 1996

का.आ. 2863.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त

अधिनियम की धारा 15(1) के उपबंध इस अधिसूचना की तारीख में 5 वर्ष की अवधि के लिए देना बैंक पर लागू नहीं होंगे।

[सं० 12/18/96—बी ओ ए (ख)]

पी. मोहन, निदेशक (बी.ओ.)

New Delhi, the 30th September, 1996

S.O. 2863.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 15(1) of the said Act shall not apply for a period of five years from the date of this notification to the Dena Bank.

[No. 12/18/96-BOA(b)]

P. MOHAN, Director (BO)

योजना और कार्यक्रम कार्यान्वयन मंत्रालय

(सांख्यिकी विभाग)

नई दिल्ली, 10 सितम्बर, 1996

का.आ. 2864.—भारतीय सांख्यिकीय संस्थान अधिनियम (संख्या 57) 1959 की धारा 8, उपधारा (1) में प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्-द्वारा 1997-98 के लिए निम्नलिखित व्यक्तियों की एक समिति का गठन करती है :—

1. प्रो. जी.एस. भल्ला, सदस्य
प्रोफेसर, अवकाश प्राप्त,
जवाहर लाल नेहरू विश्वविद्यालय,
नई दिल्ली-110067
2. डा. एस.जी.के. पिल्लई, सदस्य
चार्टर्ड इंजीनियर एवं प्रबंध
परामर्शदाता, 16-IV एवेन्यू,
इन्दिरा नगर,
मद्रास-600020
3. प्रो. एम. के. चटर्जी, सदस्य
प्रोफेसर, सांख्यिकी,
कलकत्ता विश्वविद्यालय,
न्यू साइंस बिल्डिंग,
35, बेलीगंज, सर्कुलर, रोड,
कलकत्ता-19
4. प्रो. के.एल. कृष्णा, सदस्य
प्रोफेसर,
दिल्ली स्कूल ऑफ इकॉनॉमिक्स,
दिल्ली विश्वविद्यालय, दिल्ली
5. प्रो. एस. बी. राव, निदेशक सदस्य
भारतीय सांख्यिकीय संस्थान, कलकत्ता
(भारतीय सांख्यिकीय संस्थान के मनोनीत)

6. महानिदेशक, सदस्य
केन्द्रीय सांख्यिकीय संगठन,
सांख्यिकी विभाग,
नई दिल्ली।
7. वित्तीय सलाहकार, सदस्य
सांख्यिकी विभाग,
नई दिल्ली।
8. उप-वित्तीय सलाहकार तथा सदस्य-सचिव
उप सचिव,
सांख्यिकी विभाग,
नई दिल्ली।

और उक्त समिति के निम्नलिखित कार्य निर्धारित करती है :—

- (1) कार्य के सम्मत कार्यक्रम (योजनागत तथा योजनेतर दोनों) की समीक्षा करना तथा संशोधित प्राक्कलन 1996-97 में प्रदान की जाने वाली राशि के संबंध में सिफारिशें करना तथा भारतीय सांख्यिकीय संस्थान को सहायता अनुदान अदा करने के लिए 1997-98 के लिए वित्तीय प्राक्कलनों के संबंध में भी सिफारिशें करना।

- (2) (क) वर्ष 1997-98 के दौरान भारतीय सांख्यिकीय संस्थान, कलकत्ता द्वारा किए जाने वाले कार्य का कार्यक्रम (योजनागत तथा योजनेतर दोनों) दर्शाने वाले विवरण तथा इस प्रकार के कार्य के लिए सामान्य वित्तीय अनुमान तैयार करना व उसे केन्द्र सरकार के समक्ष प्रस्तुत करना, जिसके लिए केन्द्रीय सरकार निधि की व्यवस्था करती है।

- (ख) कार्यक्रम से संबंधित विस्तृत रूप-रेखा निश्चित निश्चित करना।

2. समिति अपनी रिपोर्ट सरकार को 31 मार्च, 1997 को या इससे पहले प्रस्तुत करेगी।

3. सांख्यिकी विभाग, सामिति को जिसका मुख्यालय नई दिल्ली में होगा, सचिवालय सौंपा प्रदान करेगा।

[संख्या एम-12011/7/96-समन्वय]

एन.के. शर्मा, अवर सचिव

MINISTRY OF PLANNING & PROGRAMME

IMPLEMENTATION

(Department of Statistics)

New Delhi, the 10th September, 1996

S.O.2864.— In exercise of the powers conferred by Sub-Section (1) of Section 8 of the Indian Statistical Institute Act (No. 57) of 1959, the Central Government hereby constitutes a Committee for 1997-98 consisting of:—

1. Prof. G.S. Bhalla, Chairman
Professor,
Emeritus,
Jawaharlal Nehru University,
New Delhi-67.

Dr. S.G.K. Pillai, Chartered Engineer & Management Consultant, 16-IV Avenue, Indira Nagar, [Madras-600020.	Member
3. Prof. S.K. Chatterjee, Professor of Statistics Calcutta University, New Science Building, Ballygungee Circular Road, Calcutta-19.	Member
4. Prof. K.L. Krishna, Professor, Delhi School of Economics, University of Delhi, Delhi.	Member
5. Prof. S.B. Rao, Director, Indian Statistical Institute, Calcutta. (Nominee of the ISI).	Member
6. Director General, CSO Department of Statistics, New Delhi.	Member
7. Financial Adviser, Department of Statistics New Delhi.	Member
8. Deputy Financial Adviser and Deputy Secretary, Department of Statistics, New Delhi.	Member—Secretary

and assigns the following duties to the said Committee, namely—

- (1) Review of the agreed programmes of work (both Plan and Non-Plan) and make recommendations regarding the amount to be provided in the RE 1996-97 and also make recommendations regarding the financial estimates for 1997-98 for paying grant-in-aid to the ISI.
- (2) (a) Preparation and submission to the Central Government of statement showing programmes of work (both Plan and Non-Plan) agreed to be undertaken by the Indian Statistical Institute, Calcutta, during the year 1997-98 for which the Central Government may provide funds, as well as general financial estimates of such work.
- (b) The settlement on broad lines of the programme of work.
2. The Committee shall submit its Report to the Government on or before 31st March, 1997.
3. The Department of Statistics shall render secretariat assistance to the Committee, the head quarters of which will be at New Delhi

[No. M. 12011/7/96-Coord.]
N. K. SHRRMA, Under Secy.

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक

वितरण मंत्रालय

नई दिल्ली, 19 सितम्बर, 1996

का.आ. 2865.—अग्रिम संविदा (विनियमन) प्रतिनिधिम, 1952 की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और 2-1-96 2349 GI/96—2.

के उसी संस्था की अधिसूचना के उपकरण में केन्द्र सरकार एन.डी.आर. श्री बी. के. अग्रवाल, भा.प्र. सेवा (महाराष्ट्र 73) को 4 दिसम्बर, 1945 से तीन वर्ष की अवधि के लिए, अवस्था अगले आदेशों तक जो भी हो, 5900-6700 रु. के वेतनमान में नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय के नियंत्रणाधीन बायबा बाजार आयोग, मुम्बई के अध्यक्ष के पद पर नियुक्त करती है।

[फाइल सं. ए-12011/2/95-प्रशा-11]

आर.के. सिंह, अवर सचिव

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, the 19th September, 1996

S.O. 2865.—In exercise of the powers conferred by Sub-Section (2) of Section 3 of the Forward Contracts (Regulation) Act, 1952, and in continuation of Notification of even number dated 2nd January, 1996, the Central Government hereby appoints Shri V. K. Aggarwal, IAS (MH: 73) as Chairman, Forward Markets Commission, Mumbai in the pay scale of Rs. 5900—6700 under the Ministry of Civil Supplies, Consumer Affairs and Public Distribution for a period of three years with effect from 4th December, 1995 or until further orders, whichever is earlier.

[File No. A-12011/2/95-Estt. II]

R. K. SINGH, Under Secy.

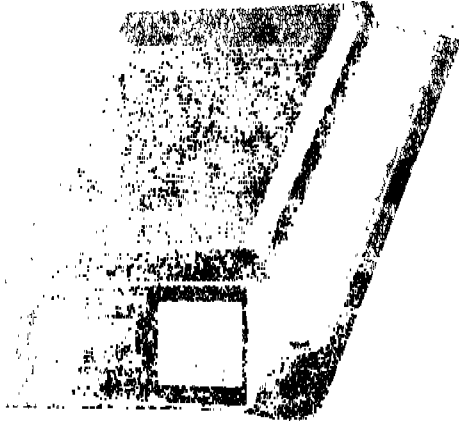
नई दिल्ली, 19 सितम्बर, 1996

का.आ. 2866.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित (नीचे आकृति देखिए) माडल बाट और माप मानक अधिनियम 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुसार हैं और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उच्च यथार्थता वर्ग II की ए. डब्ल्यू. सिरीज टाइप के स्वतःसूचक गैर-स्वचालित टेबल टाप तोलन, उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स एटको इंडस्ट्रीज, 6/ए, लालवानी इंडस्ट्रीयल इस्टेट, 14 जी डी अम्बेडकर रोड, मुम्बई-31 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई.एन.डी./09/18 समनुदिष्ट किया गया है, अनुमोदन प्रमाण-पत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक उच्च यथार्थता (यथार्थता वर्ग) का तोलन उपकरण है जिसकी अधिकतम क्षमता 30 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतर (ई) 5 ग्राम है। इसमें एक टेयरयुक्ति है जिसका व्यक्तनात्मक प्रतिधारण टेयर-

प्रमाण 100 प्रतिशत है। आधार और प्लेटफार्म धातु है। आधार की आयताकार आकृति का है जिसका मापन 345—225 मिलीमीटर है। प्रकाश उत्सर्जन वाली संवर्धन तार परिलक्षित करता है। यह उपकरण 250 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत पावर पर प्रचालित होता है।



(आकृति)

श्री. केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि मापन के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत के अनुसार और उसी सामग्री से जिससे अनुमोदित मापन का विनिर्माण किया गया है निर्मित 600 ग्राम/50 मिलीग्राम, 2.4 किलो ग्राम/0.2 ग्राम, 6 किलोग्राम/0.5 ग्राम, 12 किलोग्राम/1 ग्राम, 24 किलोग्राम/2 ग्राम की अधिकतम क्षमता वाले, 3/6 किलोग्राम/0.5/1 ग्राम, 6/15 किलोग्राम/1/2 ग्राम, 12/30 किलोग्राम/2/5 ग्राम की दुगुनी क्षमता, एम एस सिरीज के 6 किलोग्राम/1 किलोग्राम, 10 किलोग्राम/2 ग्राम की अधिकतम क्षमता और 'ई' मान वाले, एम एस सिरीज के 120 ग्राम/10 मिलीग्राम, 200 ग्राम/10 मिलीग्राम, 500 ग्राम/100 मिलीग्राम की अधिकतम क्षमता और 'ई' मान वाले और 50/100 ग्राम सहित 600/1200 ग्राम की दुगुनी क्षमता वाले समस्त मेक यथावत और उसी सिरीज के कार्य-करण को जलन उपकरण भी हैं।

[फा.सं. डब्ल्यू एम-21(4)/91]
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 19th September, 1996

S.O. 2866.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of ap-

proval of Model of self-indicating non-automatic table top weighing instrument of type AW series of Class II High accuracy (hereinafter referred to as the Model), manufactured by M/s. ATCO Industries, 6/A, Laiwari Industrial Estate, 14, G.D. Ambekar Road, Mumbai-31 which is assigned the approval mark IND/09/95/18;

The Model, (see figure) is a high accuracy (accuracy Class II) weighing instrument with a maximum capacity of 30 Kg. and minimum capacity of 100 gram. The verification scale interval (e) is 5 gram. It has a tare device with a 100 per cent subtractive retained tare effect. The base and the platform are metallic. The load receptor is of rectangular shape of size 345×225 millimetre. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 hertz alternate current power supply;



(figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 600 g/50 mg, 2.4 kg/0.2 g, 6 kg/0.5 g, 12 kg/1 g, 24 kg/2 g, dual capacity of 3/6 kg/0.5/1 g, 6/12 kg/1/2 g, 12/30 kg/2/5 g, of MM series with maximum capacity and a value of 6 kg/1 kg, 10 kg/2 g, of MS series with maximum capacity and 'e' value of 120 g/10 mg, 200 g/10 mg, 500 g/100 mg, and dual capacity of 600/1200 g with 50/100 mg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(4)/91]
RAJIV SRIVASTAVA, Jt. Secy.

मानव संसाधन विकास मंत्रालय

(महिला एवं बाल विकास विभाग)

नई दिल्ली, 26 सितम्बर, 1996

का.आ. 2867.—राष्ट्रीय महिला आयोग अधिनियम, 1990 (1990-का 20) की धारा 3 के अनुसरण में केन्द्रीय सरकार एतद्वारा निम्नलिखित को नामित करती है :—

1. सुश्री सुकेशी ओराम

कलिंग नगर, 2 आर.ए. 39

हुबली,

सदस्य

राष्ट्रीय महिला आयोग,

नई दिल्ली।

डाक. मटकमबेडा,
बाया बारबिल,
जिला कियोन्सर,
उड़ीसा-758036

2. डा. (श्रीमती) इंदिरा बासवराज - सदस्य
सं. 913/6, दूसरा क्रॉस, राष्ट्रीय महिला आयोग
एम सी लेआउट विजयनगर, नई दिल्ली।
बंगलूर-560040

शुश्री सुकेशी ओराम, सदस्या तथा डॉ इन्दिरा बासवराज,
सदस्या दिनांक 25-9-1996 की पूर्वान्ह से आगामी आदेश होने
तक पदभार संभालेंगी किन्तु उनका कार्यकाल तीन वर्ष से अधिक
नहीं होगा।

[फा.सं. 9-21/94-म.क.]

ए.के. सिन्हा, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Women and Child Development)

New Delhi, the 26th September, 1996

S.O. 2867-(E).—In pursuance of Section 3 of the National
Commission for Women Act, 1990 (20 of 1990) the Central
Government hereby nominates :

- | | |
|---|---|
| 1. Ms. Sukeshi Oram
Kalinga Nagar,
HUDCO
2 RA-39, Post Muthamboda,
Via : Barbil
District Keonjhar,
Orissa-758 036 | —Member
National Commission
for Women,
New Delhi. |
| 2. Dr. (Smt.) Indira Basavaraj
No. 913/6,
2nd Cross,
M.C. Layout,
Vijayanagar,
Bangalore-560 040 | —Member,
National Commission
for Women,
New Delhi. |

Ms. Sukeshi Oram, Member and Dr. (Smt.) Indira
Basavaraj, Member shall hold office from the forenoon of
25-9-96 until further orders but not exceeding three years.

[F. No. 9-21/94 -WW]

A. K. SINHA, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 17 सितम्बर, 1996

का.आ. 2868.—केन्द्रीय सरकार ने भारतीय आयुर्विज्ञान
परिषद् अधिनियम, 1956 (1956 का 102) की धारा
3 की उपधारा (1) के खंड (ग) के अनुसरण में
रजिस्ट्रीकृत चिकित्सा स्नातक निर्वाचन क्षेत्र, पंजाब में
भारतीय आयुर्विज्ञान परिषद् के सदस्य का निर्वाचन
संचालित किया है जहाँ से डा. सुरज प्रकाश के रिटर्निंग
आफिसर द्वारा भारतीय आयुर्विज्ञान परिषद् का सदस्य

5 जुलाई, 1996 को निर्विरोध निर्वाचित घोषित किया
गया है ;

अन, अब केन्द्रीय सरकार उक्त अधिनियम की धारा
3 की उपधारा (1) के अनुसरण में, भारत सरकार के
स्वास्थ्य मंत्रालय की अधिसूचना नं. का.आ. 138,
तारीख 9 जनवरी, 1960 में निर्मानिखित और पंशोधन
करती है, अर्थात् —

उक्त अधिसूचना, में, "धारा 3 की उपधारा (1)
के खंड (ग) के अधीन निर्वाचित" शीर्षक के नीचे
क्रम सं. 3 और उससे संबंधित प्रविष्टियों के स्थान पर
निम्नलिखित रखा जाएगा, अर्थात् —

"3. सुरज प्रकाश

470, बसंत एवेन्यू,

अमृतसर, पंजाब।

[सं. बी. 11013/21/94-एम ई (यू जी)]

एस.के. मिश्रा, ईस्क अधिकारी

टिप्पण :—मूल अधिसूचना भारत के राजपत्र में
अधिसूचना सं. का.आ. 138, दिनांक 9 जनवरी,
1960 द्वारा प्रकाशित हुई थी।

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 17th September, 1996

S.O. 2868.—Whereas in pursuance of clause (c) of sub-
section (1) of Section 3 of the Indian Medical Council Act,
1956 (102 of 1956), the Central Government has conducted
election of a member to the Medical Council of India from
the Registered Medical Graduates Constituency, Punjab
wherefrom Dr. Suraj Prakash has been declared elected un-
opposed on the 5th day of July, 1996 by the Returning Officer
to be a member of the Medical Council of India;

Now, therefore, in pursuance of sub-section (1) of Section
3 of the said Act, the Central Government hereby makes
the following further amendments in the notification of the
Government of India in the then Ministry of Health number
S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading, "Elected under
clause (c) of sub-section (1) of section 3" for serial number
3 and the entries relating thereto, the following shall be sub-
stituted, namely :—

"3. Dr. Suraj Prakash,
470, Basant Avenue.
Amritsar, Punjab."

[No. V, 11013/21/94-ME(UG)]

S. K. MISHRA, Desk Officer

Note.—The principal notification was published in the
Gazette of India vide notification No. S.O. 138, dated the
9th January, 1960.

शहरी कार्य और रोजगार मंत्रालय
(शहरी कार्य और गरीबी उन्मूलन विभाग)

नई दिल्ली, 20 सितम्बर, 1996

का.आ. 2869.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे दी गई सारणी के स्तम्भ 1 में उल्लिखित अधिकारी को, जो आन्ध्र प्रदेश सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तम्भ 2 में तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदाभिधान	सरकारी स्थान का प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
1	2
1. विशेष आयुक्त, आन्ध्र प्रदेश सरकार नई दिल्ली।	दिल्ली राष्ट्रीय राजधानी राज्यक्षेत्र में आन्ध्र प्रदेश सरकार के या उसके द्वारा पट्टे पर लिए गए सभी स्थान।
2. संयुक्त आयुक्त, आन्ध्र प्रदेश सरकार, नई दिल्ली।	

[मं. 21012/1/96-पोल-1]

आर.डी. साहाय, उप सम्पदा निदेशक

MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT

(Department of Urban Affairs and Poverty Alleviation)

New Delhi, the 20th September, 1996

S.O. 2869.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), The Central Government hereby appoints the officers mentioned in column 1 of the Table below, being gazetted officers of the Government of Andhra Pradesh, to be estate officers for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act within the local limits of his jurisdiction in respect of the

public premises specified in the corresponding entry in column 2 of the said Table.

TABLE

Designation of the officer	Category of public premises and local limits of jurisdiction.
1	2
1. Special Commissioner, Government of Andhra Pradesh, New Delhi.	All premises belonging to or taken on lease by the Government of Andhra Pradesh in the
2. Joint Commissioner, Government of Andhra Pradesh, New Delhi.	National Capital Territory of Delhi.

[No. 21012/1/96-Pol. I]

R.D. SAHAY, Dy. Director of Estates

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 1 अक्टूबर, 1996

का.आ. 2870.—केन्द्रीय सरकार का दिल्ली की मुख्य योजना-2001 में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन/परिवर्तन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो अथवा सुझाव देना हो तो वह अपनी आपत्ति अथवा सुझाव लिखित रूप में इस सूचना जारी होने के 30 दिन की अवधि के अन्दर आयुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, नई दिल्ली को भेज दें। आपत्ति करने/सुझाव देने वाले व्यक्ति को अपना नाम और पता भी देना चाहिए।

संशोधन —

“भगवान बास रोड स्थित सर्वोच्च न्यायालय के वकीलों के चैम्बर के लिए विद्युत सब-स्टेशन के मामले में निम्नलिखित अनुशंसा की जाती है—

(1) अनुज्ञेय अधिकतम तल कवरेज को 25% से 40 प्रतिशत किया जाए और

(2) अनुज्ञेय न्यूनतम अग्रभाग (फ्रंट सैटबैक) को 6 मीटर से 4 मीटर किया जाए।”

प्रस्तावित संशोधन की एक प्रति निरीक्षण के लिए उपयुक्त अवधि के अन्दर सभी कार्य-दिवसों में संयुक्त निदेशक, मुख्य योजना अनुभाग, छठी मंजिल, विकास मीनार आई.पी. एस्टेट, नई दिल्ली के कार्यालय में उपलब्ध रहेगी।

[संख्या एफ 20(6) 84-एम.पी.]
विश्व मोहन दंडेल शहरी विकास अधिकारी

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 1st October, 1996

S.O. 2870.—The following modification which the Central Government proposes to make in the Master Plan for Delhi-2001, is hereby published for public information. Any person having any objection/suggestion with respect to the proposed modification/amendment may send the objection/suggestion in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi within a period of 30 days from the date of issue of this notice. The person making the objection/suggestion should also give his name and address.

MODIFICATION

"In case of electric sub-station, Supreme Court lawyers chamber at Bhagwan Dass Road, the relaxation in (i) permissible maximum ground coverage from 25 per cent to 40 per cent and (ii) permissible minimum front set back from 6m to 4m is recommended."

2. A copy of proposed modification will be available for inspection at the office of Joint Director, Master Plan Section, 6th floor, Vikas Minar, I.P. Estate, New Delhi on all working days within the period referred above.

[No. F. 20(6)/84-MP]

V. M. BANSAL, Commissioner-cum-Secy.

अभिलेख

नई दिल्ली, 18 सितम्बर, 1996

का.आ. 2871.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबंधन के संबंध में निहित औद्योगिक विवाद में, औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/18/94-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 18th September, 1996

S.O. 2871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 12-9-96.

[No. L-22012/18/94-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 8th day of August, 1996

Industrial Dispute No. 56 of 1994

BETWEEN

Shri R. Linga Reddy, Ex. Badli,
C/o Shri V. Ravinder, Qtr. No. 57,
Raman Colony, P.O. Kalyanikhandi,
District Adilabad-504231.

..Petitioner,

AND

The General Manager, Singareni
Collieries Company Limited, RG-I,
Godavari Khani, District:
Karimnagar-505001.

..Respondent

APPEARANCES:

Sri Y. Rama Rao, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. 1-22012(18)/94-IR(C-II), dated 11-5-94 and Corrigendum dated 26-8-1994 under Sections 10(1)(d) and 2-A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of Singareni Collieries Co. Ltd., Srirampur in terminating the services of Shri R. Linga Reddy w.e.f. 19-9-92 is legal and justified? If not, to what relief the workman is entitled to?"

2. After receipt of the above reference this Tribunal issued notices to both the parties. The Advocates for the petitioner and Respondent filed Vakulats on 28-12-1994. The case was adjourned from time to time for claim statement. The claim statement was filed by the Petitioner on 15-2-1995 and a counter has been filed on 19-4-1995 by the Respondent. Thereafter the matter was posted for enquiry from time to time.

3. From 16-6-1995 to till date i.e. 8-8-1996, neither the petitioner nor the respondent were ready to lead evidence. Hence it is found that the petitioner is not evincing any interest to prosecute his matter, even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 18 सितम्बर, 1996

का.आ. 2872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबंधन के संबंध में निहित औद्योगिक विवाद में, औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/16/94-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2872. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad

bad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 12-9-96.

[No. L-22012/16/91 IR (C-II)]
RAJA LAL, Desk Officer

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 8th day of August, 1996

Industrial Dispute No. 54 of 1994

BETWEEN

Sri Y. Mohan Rao, Ex. Badli,
C/o Sri V. Ravinder, Qtr. No. 57,
Raman Colony, P.O. Kalyanikhanl,
District Adilabad-504 231. . . Petitioner.

AND

The General Manager,
Singareni Collieries
Company Limited, Srirampur,
District Adilabad-504001. . . Respondent.

APPEARANCES :

Sri Y. Rama Rao, Advocate for the Petitioner.
M/s. K. Srinivasa Murty and G. Sudha, Advocates for
the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(16)/94-IR(C-II), dated 11-5-94 and Corrigendum dated 26-8-1994 under Sections 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of Singareni Collieries Co. Ltd., Srirampur, in terminating the services of Sri V. Mohan Rao, w.e.f. 19-9-92 is legal and justified? If not, to what relief the workman is entitled to?"

2. After receipt of the above reference, this Tribunal issued notices to both the parties the Advocate for the petitioner and respondent filed Vakalats on 28-12-94. The case was adjourned from time to time for claim statement. The claim statement was filed by the petitioner on 15-2-95 and a counter has been filed on 19-4-1995 by the Respondent. Thereafter the matter was posted for enquiry from time to time.

3. From 16-6-1996 to till date i.e. 8-8-1996, neither the petitioner nor the respondent were ready to lead evidence. Hence it is found that the petitioner is not evincing any interest to prosecute his matter, even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. On perusal of the docket sheet, it is found that both parties have not evinced any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 8th day of August 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई—दिल्ली, 18 सितम्बर, 1996

का.आ. 2873—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय
सरकार एस. सी. सी. एल. के प्रबंधन के संबंध में नियोजकों और

उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक
विवाद औद्योगिक अधिकरण, हैदराबाद के पंचपट को
प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-96 को
प्राप्त हुआ था।

[संख्या एल-22012/27/94-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 12-9-96.

[No. L-22012/27/94-IR (C-II)]
RAJA LAL, Desk Officer

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 8th day of August, 1996

Industrial Dispute No. 55 of 1994

BETWEEN

Sri M. Mallesh, Ex. Badli,
C/o Sri V. Ravinder,
Qtr. No. 57, Raman Colony,
P.O. Ralyanikhanl,
District Adilabad 504231. . . Petitioner.

AND

The General Manager,
Singareni Collieries
Company Limited, Srirampur,
District Adilabad-504001. . . Respondent.

APPEARANCES :

Sri Y. Rama Rao, Advocate for the Petitioner.
M/s. K. Srinivasa Murty and G. Sudha, Advocates for
the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(27) 94-IR (C-II), dated 11-5-94 and corrigendum dated 26-8-94 under Section 10(1)(d) of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of Singareni Collieries Co. Ltd., Srirampur, in terminating the services of Sri M. Mallesh, w.e.f. 19-9-92 is legal and justified? If not, to what relief the workman is entitled to?"

2. After receipt of the above reference, this Tribunal issued notices to both the parties. The Advocates for the Petitioner and Respondent filed their vakalats on 23-12-1994 and 13th December, 1994 respectively. The case was adjourned from time to time for claim statement. The claim statement was filed by the petitioner on 22-2-1995 and a counter has been filed by the Respondent on 19-4-1995. Thereafter the matter was posted for enquiry from time to time.

3. From 16-8-1995 to till date i.e. 8-8-1996 neither the petitioner nor the respondent were ready to lead evidence. Hence it is found that the petitioner is not evincing any interest

to prosecute his matter, even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 18 सितम्बर, 1996

का.ग्रा. 2874.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस्. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/28/94-आई ग्रा (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd., and their workman, which was received by the Central Government on 12-9-96.

[No. L-22012/28/94-IR (C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A.L.L.B. Industrial Tribunal-I.

Dated, 8th day of August, 1996

Industrial Dispute No. 66 of 1994

BETWEEN

Shri V. Ravinder, Ex. Badli,
C/o Sri V. Ravinder, Qtr. No. 57,
Raman Colony P.O. Kalyankhani,
District Adilabad-504231.

.. Petitioner.

AND

The General Manager, Singareni
Collieries Company Limited,
Srirampur. District Adilabad-504001.

.. Respondent.

APPEARANCES :

Sri Y. Rama Rao, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for
the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(28)/94-IR(C-II), dated 11-5-1994 and Corrigendum dated 26-8-94 under Section 10(1)(d) of Industrial Disputes Act, 1947 for

adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of Singareni Collieries Company Limited, Srirampur, in terminating the services of Shri V. Ravinder w.e.f. 19th September, 1992 is legal and justified ? If not to what relief the workman is entitled to ?"

2. After receipt of the above reference, this Tribunal issued notices to both the parties. The Advocates for the Petitioner and Respondent filed their vakalats on 23-12-1994 and 13-12-1994 respectively. The case was adjourned from time to time for claim statement. The claim statement was filed by the petitioner on 22-2-1995 and a counter has been filed by the Respondent on 19-4-1995. Thereafter the matter was posted for enquiry from time to time.

3. From 16-8-1995 to till date i.e. 8-8-1995 neither the petitioner nor the respondent were ready to lead evidence. Hence it is found that the petitioner is no, evincing any interest to prosecute his matter, even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 18 सितम्बर, 1996

का.ग्रा. 2875.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस्. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में, औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल 22012/30/94-आई ग्रा (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd., and their workman, which was received by the Central Government on 12-9-96.

[No. L-22012/30/94-IR (C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B. Industrial Tribunal-I.

Dated, 8th day of August, 1996

Industrial Dispute No. 68 of 1994

BETWEEN

Shri Dasari Raja Reddy, Ex. Badli,
C/o Shri V. Ravinder,
Qtr. No. 57 Raman Colony,
P.O. Kalyankhani,
District Adilabad-504231.

.. Petitioner.

AND

The General Manager, Singareni
Collieries Company Limited,
Srirampur, District Adilabad-504001. .. Respondent.

APPEARANCES:

Sri Y. Rama Rao, Advocate for the Petitioner.
M/s. K. Srinivasa Murthy and G. Sudha, Advocates for
the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(30), 94-IR (C-II), dated 11-5-1994 and Corrigendum dated 26th August 1994 under Sections 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of Singareni Collieries Company Limited, Srirampur, in terminating the services of Shri Daseri Raji Reddy, w.e.f. 19-9-92 is legal and justified? If not, to what relief the workman is entitled to?"

2. After receipt of the above reference, this Tribunal issued notices to both the parties. The Advocates for the Petitioner and Respondent filed their Vakalats on 23-12-1994 and 13th December, 1994 respectively. The case was adjourned from time to time for claim statement. The claim statement was filed by the petitioner on 22-2-1995 and a counter has been filed by the Respondent on 19-4-1995. Thereafter the matter was posted for enquiry from time to time.

3. From 16-8-1995 to till date i.e. 8-8-1996 neither the petitioner nor the respondent were ready to lead evidence. Hence it is found that the petitioner is not evincing any interest to prosecute his matter, even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 8th day of August, 1996.

V. V. RAGHAVAN Industrial Tribunal-I

नई दिल्ली, 18 सितंबर, 1996

का.आ. 2876.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में निदेशित औद्योगिक विवाद में, औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/17/94-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 12-9-96.

[No. L-22012/17/94-IR (C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT:

Shri V. V. Raghavan, B.A., LL.B. Industrial Tribunal-I,
Dated, 8th day of August, 1996
Industrial Dispute No. 55 of 1994

BETWEEN

Shri S. Raman, Ex. Badli
C/o Shri V. Ravinder
Qtr. No. 57, Raman Colony,
P.O. Kalyankhani,
District Adilabad-504231. .. Petitioner.

AND

The General Manager, Singareni
Collieries Company Limited,
RG-I, Godavarikhani,
District Karimnagar-505001. .. Respondent.

APPEARANCES:

Sri Y. Rama Rao, Advocate for the Petitioner.
M/s. K. Srinivasa Murthy and G. Sudha, Advocates for
the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi, by its Order No. L-22012 (17), 94-IR (C-II), dated 11-5-1994 and Corrigendum dated 26-8-1994 under Sections 10(1)(d) and 2-A of the Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:—

"Whether the action of the management of Singareni Collieries Co. Ltd., Srirampur in terminating the services of Shri S. Ramesh, w.e.f. 19-9-92 is legal and justified? If not, to what relief the workman is entitled to?"

The said reference has been taken on file as I. D. No. 55/94

2. After receipt of the above reference this Tribunal issued notice to both the parties and both parties have acknowledge the receipt of notice. Subsequently the Advocates for the petitioner as well as for the respondent filed Vakalats on 28-12-1994. For claims Statement of the petitioner, the case was adjourned from time to time. On 15-2-1995 the claims statement was filed by the petitioner and a counter has been filed on 19-4-1995 by the respondent. The matter was posted for enquiry.

3. From 16-6-1995 to till date i.e. 8-8-1996 neither the petitioner nor the respondent was ready to lead the evidence. Hence it is found that the petitioner did not evince any interest to prosecute his matter even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 18 सितम्बर, 1996

का.आ. 2877.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में निदेशित औद्योगिक विवाद में, औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

विवाद में, औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/29/94-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 12-9-1996.

[No. L-22012/29/94-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 8th day of August, 1996

Industrial Dispute No. 67 of 1994

BETWEEN

Shri A. Upender Reddy, Ex. Badli,
C/o Shri V. Ravinder,
Qtr. No. 57, Raman Colony,
P.O. Kalyanikhani,

District Adilabad-504231.

..Petitioner.

AND

The General Manager, Singareni
Collieries Company Limited
Srirampur, District Adilabad-504001.

..Respondent.

APPEARANCES:

Sri Y. Rama Rao, Advocate for the Petitioner,
M/s. K. Srinivasa Murthy and G. Sudha, Advocates for
the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012 (29)/94-IR(C-II), dated 11-5-94 and Corrigendum dated 26th August, 1994 under Sections 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of Singareni Collieries Co. Ltd., Srirampur, in terminating the services of Shri A. Upender Reddy w.e.f. 19-9-92 is legal and justified? If not, to what relief the workman is entitled to?"

2.-After receipt of the above reference, this Tribunal issued notices to both the parties. The Advocates for the petitioner and Respondent filed their vakalats on 23-12-1994 and 13th December, 1994 respectively. The case was adjourned from time to time for claims statement. The claim statement was filed by the petitioner on 22-2-1995 and a counter has been filed by the Respondent on 19-4-1995. Thereafter the matter was posted for enquiry from time to time.

3. From 16-8-1995 to till dated i.e. 8-8-1996 neither the petitioner nor the respondent were ready to lead evidence. Hence it is found that the petitioner is not evincing any interest to prosecute his matter, eventhough several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

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4. On a perusal of the docket sheet it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 18 सितम्बर 1996

का.आ. 2878—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एससी सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/31/94-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 12-9-96.

[No. L-22012/31/94-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 8th day of August, 1996

Industrial Dispute No. 69 of 1994

BETWEEN

Shri G. Komariah, Ex. Badli,
C/o Shri V. Ravinder,
Qtr. No. 57, Raman Colony,
P.O. Kalyanikhani,
District Adilabad-504231.

..Petitioner.

AND

The General Manager, Singareni
Collieries Company Limited,
RG-II, Godavarikhani,
District Karimnagar-505001.

..Respondent.

APPEARANCES:

Sri Y. Rama Rao, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for
the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(31)/94-IR (C-II), dated 11-5-1994 and Corrigendum dated 26th August, 1994 under Section 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of Singareni Collieries Company Ltd., Srirampur, in terminating the services of Sri G. Komariah, w.e.f. 19-9-92 is legal and justified? If not, to what relief the workman is entitled to?"

2. After receipt of the above reference, this Tribunal issued notices to both the parties. The Advocates for the petitioner and Respondent filed their Vakalats on 14-12-1994 itself. The case was adjourned from time to time for claim statement. The claim statement was filed by the petitioner on 15-2-95 and a counter has been filed by the Respondent on 19-4-1995. Thereafter the matter was posted for enquiry from time to time.

3. From 16-8-1995 to till date i.e. 8-8-1996 neither the petitioner nor the respondent were ready to lead evidence. Hence it is found that the petitioner is not evincing any interest to prosecute this matter, even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 18 सितम्बर, 1996

का.आ. 2879—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/32/94-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2878.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 12-9-96.

[No. L-22012/32/94-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 8th day of August, 1996

Industrial Dispute No. 70 of 1994

BETWEEN

Sri Dasari Kistaiah, Ex. Badli,
C/o Shri V. Ravinder,
Qtr. No. 57, Ramnagar Colony,
P.O. Rahimabad,
District Adilabad-504231.

..Petitioner.

AND

The General Manager, Singareni
Collieries Company Limited,
Srirampur, District Adilabad-504001. ..Respondent.

APPEARANCES:

Sri Y. Rama Rao, Advocate for the Petitioner.
M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi, by its Order No. L-22012(32)/94-IR (C-II), dated 11-5-1994 and Corrigendum dated 26-8-94 under Sections 10(1)(d) and 2A of the Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of Singareni Collieries Co. Ltd., Srirampur, in terminating the services of Shri Dasari Kistaiah w.e.f. 19-9-92 is legal and justified? If not, to what relief the workman is entitled to?"

2. After receipt of the above reference this Tribunal issued notices to both the parties. The Advocates for the petitioner and respondent filed their Vakalats on 14-12-1994 itself. The case was adjourned from time to time for claim statement. The claim statement was filed by the petitioner on 15-2-1995 and a counter has been filed by the Respondent on 19-4-1995. Thereafter the matter was posted for enquiry from time to time.

3. From 16-8-1995 to till date i.e. 8-8-1996 neither the petitioner nor the respondent were ready to lead evidence. Hence it is found that the petitioner is not evincing any interest to prosecute the matter, even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 18 सितम्बर, 1996

का.आ. 2880—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/33/94-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2880.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 12-9-96.

[No. L-22012/33/94-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 8th day of August, 1996
Industrial Dispute No. 71 of 1994

BETWEEN

Shri K. Venkatesh, Ex. Badli,
C/o Shri V. Ravinder, Qtr. No. 57,
Raman Colony, P.O. Kalyankhani,
District Adilabad-504201. .. Petitioner.

AND

The General Manager, Singareni
Collieries Company Limited,
Srirampur, Distt. Adilabad-504001. .. Respondent.

APPEARANCES:

Sri Y. Rama Rao, Advocate for the Petitioner.

M/s. K. Srinivasa Murty and G. Sudha, Advocates for
the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(33)/94-IR(C-II), dated 11-5-1994 and Corrigendum dt. 26-8-1994 under Sections 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of Singareni Collieries Co. Ltd., Srirampur, in terminating the services of Shri K. Venkatesh, w.e.f. 19-9-92 is legal and justified? If not, to what relief the workman is entitled to?"

2. After receipt of the above reference, this Tribunal issued notices to both the parties. The Advocates for the Petitioner and Respondent filed their Vakalats on 14-12-1994 itself. The case was adjourned from time to time for claim statement. The claim statement was filed by the petitioner on 15-2-1995 and a counter has been filed by the Respondent on 19-4-1995. Thereafter the matter was posted for enquiry from time to time.

3. From 16-8-1995 to till date i.e. 8-8-1996 neither the petitioner nor the respondent were ready to lead evidence. Hence it is found that the petitioner is not evincing any interest to prosecute the matter, even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. One perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 18 सितम्बर, 1996

का.अ. 2881.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित

करती है, जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/26/94-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2881.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 12-9-96.

[No. L-22012/26/94-IR (C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.
Dated, 8th day of August, 1996

Industrial Dispute No. 64 of 1994

BETWEEN

Shri D. Krishna Rao, Ex. Badli,
C/o Shri V. Ravinder, Qtr. No. 57,
Raman Colony, P.O. Kalyankhani,
District Adilabad-504231. .. Petitioner.

AND

The General Manager, Singareni
Collieries Company Limited,
R.G.I. Godavarkhani,
District: Karimnagar-505001. .. Respondent.

APPEARANCES:

Sri Y. Rama Rao, Advocate for the Petitioner.

M/s. K. Srinivasa Murty and G. Sudha, Advocates for
the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi, by its Order No. L-22012(26)/94-IR(C-II) dated 24-5-1994 and Corrigendum dt. 26-8-1994 under Sections 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of Singareni Collieries Co. Ltd., Srirampur, in terminating the services of Sri D. Krishna Rao, w.e.f. 19-9-92 is legal and justified? If not, to what relief the workman is entitled to?"

2. After receipt of the above reference, this Tribunal issued notices to both the parties. The Advocates for the Petitioner and Respondent filed their Vakalats on 9-1-1995 and 13-12-94 respectively. The case was adjourned from time to time for claim statement. The claim statement was filed by the petitioner on 21-2-1995, and a counter has been filed by the respondent on 19-4-1995. Thereafter the matter was posted for enquiry from time to time.

3. From 16-8-1995 to till date i.e. 8-8-1996 neither the petitioner nor the Respondent were ready to lead evidence. Hence it is found that the petitioner is not evincing any interest to prosecute his matter, even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 18 सितम्बर, 1996

का.भा. 2882.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में, उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, हेवराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/25/94-आई धार (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2882.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on the 12th September, 1996.

[No. L-22012/25/94-IR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.
Dated : 8th day of August, 1996
Industrial Dispute No. 63 of 1994

BETWEEN

Shri E. Srihari, Ex. Badli,
C/o Shri V. Ravinder,
Qtr. No. 57, Raman Colony,
P.O. Kalyankhani,
Dist. Adilabad-504 231. ...Petitioner.

AND

The General Manager,
Singareni Collieries Company Limited,
RG-I, Godavarikhani,
District Karimnagar-505 001. ...Respondent.

APPEARANCES :

Sri Y. Rama Rao, Advocate—for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates—for Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/(25)/94-IR(C-II), dated 24th May, 1994 and Corrigendum dated 26th August, 1994 under Sections 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the Management of Singareni Collieries Co. Ltd., Srirampur, in terminating the services of Shri E. Srihari w.e.f. 19th September, 1992 is legal and justified? If not, to what relief the workman is entitled to?"

2. After receipt of the above reference, this Tribunal issued notices to both the parties. The Advocates for the petitioner and Respondent filed their Vakalats on 28th December, 1994 and 13th December, 1994 respectively. The case was adjourned from time to time for claim statement. The claim statement was filed by the petitioner on 15th February, 1995 and a counter has been filed on 19th April, 1995 by the Respondent. Thereafter the matter was posted for enquiry from time to time.

3. From 16th August, 1995 to till date i.e. 8th August, 1996, neither the petitioner nor the Respondent were ready to lead evidence. Hence it is found that the petitioner is not evincing any interest to prosecute his matter, even though several adjournments were granted by this Tribunal to lead his evidence and prosecute his matter.

4. On a perusal of the docket sheet, it is found that both parties are not evincing any interest to prosecute this matter. Hence there is no option except to close the reference. Hence the I.D. is closed.

Given under my hand and the seal of this Tribunal, this the 8th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

नई दिल्ली, 19 सितम्बर, 1996

का.भा. 2883.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-96 को प्राप्त हुआ था।

[संख्या एल-19012/14/86-डी IV (बी)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 19th September, 1996

S.O. 2883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.C. Ltd., and their workmen, which was received by the Central Government on the 17th September, 1996.

[No. L-19012/14/86-D.IV(B)]
RAJA LAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
CALCUTTA

Reference No. 81 of 1986

PARTIES :

Employers in relation to the management of Bansra Colliery of Eastern Coalfields Ltd.

AND

Their Workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. P. Banerjee, Advocate.
On behalf of Workmen—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012/14/86-D.IV(B), dated 14th November, 1986 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Bansra Colliery of M/s. Eastern Coalfields Limited in dismissing from service Sh. Manik Bouri w.e.f. 18th November, 1983 is justified? If not, to what relief the workman concerned is entitled?"

2. The workmen have not yet been represented, even though it is a case of 1986. It was the order of dismissal of the workman that was under challenge in the reference case. Under the law the burden of proof lies on the workman who is to lead evidence first on the issue of fairness of the enquiry and the burden of proving that the enquiry was defective, was also on the workman. This was so held in the case reported in 1995(1) LLJ 113. This is also the established view of the different High Courts in India. The workman as I have already stated has not led any evidence.

3. The management however examined one of their witness on 17th February, 1993 who was the Personnel Manager, E.C.L., Head Quarters, Sanctoria. He was posted at Topsi Colliery as Senior Personnel Officer in the last part of 1983. He has stated in his evidence that the charge sheet against the workman concerned was issued on 21st May, 1983 to which the delinquent replied on 24th May, 1983 and the enquiry was continued with effect from 16th/17th June, 1983. The second show cause notice was also issued to the workman on 29th August, 1983. The entire proceedings of enquiry was collectively marked Ext. M-1. In order to authenticate the orders passed during the enquiry proceeding, the workman has put his LTI which was identified by the witness. According to him all opportunities were afforded to the workman and the statements which were recorded in the proceeding were also explained to the workman in Bengali. Ultimately, the order of dismissal was recorded against the workman by the General Manager, Kunustoria Area whose signature is there in the order with which signature, the witness was acquainted with.

4. As I find from the order sheet, no one appeared for the workman in this proceeding, nor any evidence was led by him. Management though was not required to give any evidence without any evidence from the side of the workman, has volunteered to lead evidence to state that all the opportunities had been given to the workman to defend him against the charge.

5. In such view of the matter, I find that the order of dismissal recorded against the workman was justified and the reference is disposed of accordingly.

Dated, Calcutta,

The 29th August, 1996.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 19 सितम्बर, 1996

क्र.सं. 2884.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ सी आई के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर

पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार 17-9-96 को प्राप्त हुआ था।

[संख्या एल-22012/444/एफ/90-आई ग्रार (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 19th September, 1996

S.O. 2884.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 17th September, 1996.

[No. L-22012/444/F 90-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 59/91

In the matter of dispute between :

Secretary Bhartiya Khadya Nigam,
Mazdoor Sangh, 6-Ranjeet Singh Building,
Talkatora Road,
Lucknow.

AND

Senior Regional Manager,
Food Corporation of India,
5/6, Habibullah Estate,
Hazratganj, Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-22012/444/F/90-I.R.(Coal-II), dated 10th April, 1991 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Sr. Regional Manager, Food Corporation of India, Lucknow, in not equating the departmental labourers with Class IV employees and not granting them same allowances in regard to Cycle/Motor cycle allowance is justified? If not, to what relief the concerned workmen are entitled to?

2. It is unnecessary to give full facts of the case as on 14th August, 1996 authorised representative of workman moved on application for withdrawal of the case. As such the reference is not pressed.

3. In view of above the reference is answered against the concerned workmen for want of proof. Consequently the concerned workmen are not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 सितम्बर, 1996

क्र.सं. 2885.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार, औद्योगिक

अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-96 को प्राप्त हुआ था।

[संख्या एल—19012/25/85-डी IV(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 19th September, 1996

S.O. 2885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.C. Ltd., and their workmen, which was received by the Central Government on 17th September, 1996.

[No. L-19012/25/85-D.IV(B)]

RAJA LAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 34 of 1985

PARTIES :

Employers in relation to the management of Khas Kajora Colliery of E.C. Ltd., P.O. Kajoragram, District Burdwan.

AND

Their workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. P. Banerjee, Advocate.

On behalf of Workmen—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012(25)/85-D.IV(B), dated 13th/26th December, 1985 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Khas Kajora Colliery of E.C. Ltd., P.O. Kajoragram, District Burdwan (WB) in not offering employment to Shri Nalla Kanu, Wagon Loader, was justified? If not, to what relief the workman concerned is entitled?”

2. No one has yet appeared on behalf of the workmen. The workmen have also not led evidence in support of their case. Mr. Banerjee, learned counsel appearing for the management accordingly stated that since the workmen were required in law to lead evidence first and they have failed to do so, the management is not required in law to lead any evidence.

3. Since no Award can be passed without any evidence on record, this reference is disposed of by passing a “No Dispute” Award.

Dated, Calcutta,

The 29th August, 1996.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का. आ. 2886 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, दलहन अनुसंधान निदेशालय के प्रबन्ध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-96 को प्राप्त हुआ था।

[संख्या एल—42012/184/90-आई आर (डी यू)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Dalhan Anushandhan Nideshalaya and their workmen, which was received by the Central Government on 16th September, 1996.

[No. L-42012/184/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 114 of 1991

In the matter of dispute between :

Smt. Premi Devi C/o Karamchhari Sangh, Dalhan Anusandhan Nidashayala, 58A Azad Nagar, Kalyanpur, Kanpur.

AND

Pariyojna Nideshak, Dalhan Anusandhan Nideshalaya Kalyan, Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-24012/184/90/IR-D.U. dated 13th August, 1991, has referred the following dispute for its adjudication to this Tribunal—

Kya Nidheshak Dalhan Anusandhan Nideshalaya Kalyanpur dwara Bhootpurva Karmkar Smt. Prema Devi ko dinank 17th September, 1986 se sewamukta karna nyayochit hai? Yadi nahi to sambandhit karmkar kis anutosh ka haqdar hai?

2. The concerned worklady in her claim statement has stated that she was engaged on 9th August, 1984 to do work of permanent nature. She continued to work on this post upto 16th September, 1986, when her services were terminated. Her termination is bad in law because of breach of section 25F, G & H of Industrial Disputes Act, 1947.

3. The opposite party has filed reply alleging that the concerned worklady was engaged from time to time to do work of casual nature when research work was in progress. She had not worked continuously. Further it is alleged that the concerned worklady has worked even after September, 1986 from 3rd July, 1986 upto 17th November, 1987, period of which has been mentioned in para 9 of the written statement. Thus she had continued to work after the date of her termination.

4. In support of their case the management has filed copies of muster roll Ext. M-1 and M-2 of October, 1987 and November, 1987 to show that concerned worklady had worked even after her termination of services. Thus the case of the concerned worklady that her services were terminated in 1986 is not correct. In other words the date of termination is wrongly mentioned. When her services were not brought to an end on 17th September, 1986, question of its correctness cannot be determined at all. In this way error in the date of termination is the reference the question is left undecided. The concerned worklady is not entitled for any relief. Award accordingly.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का. आ. 2887 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कियोलॉजिकल सर्वे ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-96 को प्राप्त हुआ था।

[संख्या एल-42011/17/88-डी-2 बी]
के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Archaeological Survey of India and their workmen, which was received by the Central Government on 16th July, 1996.

[No. L-42011/17/88-D.2B]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 266/89

In the matter of dispute between :

President Archaeological Survey Mazdoor Union (INTUC), 2/236 Namnare Agra.

AND

Superintending Archaeologist, Archaeological Survey of India, Agra Circle, Agra.

AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-42011/17/88-D-2(B), dated 24th October, 1989 has referred the following dispute for adjudication to this Tribunal :—

Whether the Superintending Archaeologist, Agra was justified in imposing the punishment of stoppage of two increments to Shri Ashok Kumar Singh, Har Narian Pathak, Shankar Daul Shukla and Prabhat Singh? If not, what relief the workmen were entitled to?

2. It is necessary to give full facts of the case as on 13th August, 1996 authorised representative of the workman made an statement that he has no instruction from the concerned workman. As such the reference is not pressed.

3. In view of above the reference is answered against the concerned workman for want of proof. Consequently the concerned workmen are not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का. आ. 2888 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गवर्नमेंट अफिम एवं अल्काकलोइड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-96 को प्राप्त हुआ था।

[संख्या एल-42012/98/88-डी-2 (बी)]
के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2888.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Government Opium and Alkaloid Works and their workman, which was received by the Central Government on 16th September, 1996.

[No. L-42012/98.88-D.2(B)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 140 of 1989

In the matter of dispute between :

Kalpoo C/o Sri Balrup Sharma,
President Afim Factory Labour Union,
Ghazipur.

AND

General Manager,
Government Afim and Alkaloid Works,
Ghazipur.

APPEARANCE:

Santosh Gupta—for the workman,
None—for the management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-42012/98/88-D-2(B) dated 24th May, 1989, has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Government Opium and Alkaloid Ghazipur in dismissing Sri Kalpoo son of Sri Gava Unskilled worker vide orders dated 29th April, 1987 is legal and justified? If not, to what relief the workman concerned is entitled?

2. The concerned workman Kalpoo was working as unskilled worker on 13th August, 1988 with the opposite party Government Opium and Alkaloid Factory, at Ghazipur. On that day he worked from 2 p.m. to 10 p.m. After duty was over he was checked at gate of the factory. From his possession 250 gms. of Morphin was recovered which was later on sent to Public Analyst. He confirmed that the recovered item/article was morphien. On the basis of this he was served with a charge sheet on 20th December, 1980. Harihar Singh was appointed as Enquiry Officer. After completing inquiry he submitted his report on 10th September, 1986. On the basis of this report the concerned workman was removed from service. Feeling aggrieved he raised the instant industrial dispute.

3. In the claim statement the enquiry was alleged to be unfair and improper. Further he denied that morphien was ever recovered from his possession. Whereas the opposite party management maintained that the enquiry was fairly and properly held and that actually morphien was recovered from his possession.

4. A preliminary issue was framed regarding propriety and fairness of domestic enquiry. Vide finding recorded on 13th June, 1996 it was held that enquiry was fairly and properly held. Thereafter both the parties were heard on the question of punishment. Naturally the authorised representative for the concerned workman has alleged that a lenient view should be taken. Taking into consideration the large quantity of morphien recovered from the possession of the concerned workman, I am unable to accept the contention of authorised representative of the concerned workman. Having regard to the gravity of misconduct, I am of the opinion that punishment awarded to the workman is not disproportionate. Hence, the concerned workman is not entitled any benefit.

5. Accordingly, the action of the management in removing the workman from service is held to be justified and legal and the concerned workman is not entitled for any relief. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 सितम्बर, 1996

का. आ. 2889:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीनियर सुपरिन्टेंडेंट ऑफ पोस्ट आफिस धनबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-96 को प्राप्त हुआ था।

[सं. एल.-40012/76/93—आई आर (डी यू)]
के. बी. वी. उण्णी, डेस्क अधिकारी

New Delhi, the 19th September, 1996

S.O. 2889.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Senior Superintendent of Post Office and their workman, which was received by the Central Government on 16th September, 1996.

[No. L-40012/76-93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Dispute Act, 1947

Reference No. 101 of 1994

PARTIES:

Employers in relation to the management of Senior Superintendent of Post Office, Dhanbad

AND

Their Workmen.

PRESENT:

Shri Tarkeshwar Prasad, Presiding Officer.

APPEARANCES:

For the Employers—None.

For the Workmen—Shri Gautam Shaw, Advocate.

STATE : Bihar.

INDUSTRY : Postal.

Dated, the 4th September, 1996

AWARD

By Order No. L-40012/76/93-I.R.(DU) dated 19th April, 1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of Sr. Superintendent of Post Office, Dhanbad, in terminating the services of Shri Anil Kumar Rakha, Extra Departmental Delivery Agent-cum-Mail Courier w.e.f. 17th December, 1991 is justified? If not, what relief the concerned workman is entitled to?"

2. This case was fixed for today for adducing evidence on behalf of the workman.

3. The present reference case relates to Postal Department, Dhanbad. But it appears from the decision of the Hon'ble Supreme Court reported in 1996 Lab. I.C. 1059 between Sub-Divisional Inspector of Post, Vaikam and others Vs. Theyyam Joseph etc. this reference is not maintainable under Industrial Disputes Act, 1947.

4. Accordingly, in view of the above decision of the Hon'ble Supreme Court, I dispose of the reference case has not maintainable under the Industrial Disputes Act.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 19 सितम्बर, 1996

का. आ. 2890:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिभिजनल इंजीनियर टेलिकोम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-9-96 को प्राप्त हुआ था।

[संख्या एल-40012/28/94-आई आर डी यू]

के. बी. वी. उण्णी, डेस्क अधिकारी

New Delhi, the 19th September, 1996

S.O. 2890.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of

Divisional Engineer, Telecom and their workman, which was received by the Central Government on 18th September, 1996.

[No. L-40012/28/94-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 16th day of August, 1996

Industrial Dispute No. 43 of 1995

BETWEEN

Sri A. T. Eswara Rao, S/o Sri B. Ganga Raju,
Casual Telecom Mazdoor, Bylapudi,
Mangali Street, Near Gandhi Statue,
Anakapalle-531 001, ... Petitioner.

AND

The Divisional Engineer,
Telecom Coaxial Cable Project,
11-4-636 A. C. Guards,
Hyderabad-500 004. ... Respondent.

APPEARANCES :

Sri C. Suryanarayana & Sri R. Yogender Singh, Advocates—for the Petitioner.

Sri P. Damodar Reddy, Additional Central Government Standing Counsel—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-40012/28/94-IR(DU) dated 22nd/24th February, 1995 referred the following dispute to this Tribunal for adjudication :

"Whether the Divisional Engineer, Telecom-Coaxial Cable Project, Hyderabad is justified in terminating the services of Shri B. T. Eswara Rao w.e.f. 1st January, 1988 ? If not, to what relief he is entitled to ?"

Notice of the reference was served on both the parties.

2. The workman (hereinafter referred to as the Petitioner) filed a claim statement contending as follows :

The Petitioner was appointed as part-time mazdoor to work for four hours a day at the Coaxial Station, Anakapalle from 21st May, 1985 to 30th November, 1985 and was retrenched from service w.e.f. 1st December, 1985 after completion of the work. He was again employed from 1st March, 1986 to 31st March, 1986 at Anakapalle. Again he was employed from February, 1987 to December, 1987 at Visakhapatnam. He was employed for 334 days during 1987. He was again employed from February 1989 at Anakapalle and later under the JTO, Carr. & VPT Station for a period of five months from March, 1989 to July 1989. The Assistant Engineer, Coaxial Cable Project, Rajahmundry took the petitioner to Bobbili from October, 1989 to June 1990 showing him as Contractor. The Petitioner supplied himself with no other labour. He was paid consolidated pay of Rs. 750.00 per month during his period of contract. The petitioner was not served with any retrenchment notice or followed Chapter V-A of the I.D. Act at the time of retrenchment. The petitioner has to be absorbed in service as per the decision of the Supreme Court and Order of D.O.T. The Petitioner is entitled for reinstatement with back wages and other benefits.

3. The Divisional Engineer, Telecom (hereinafter to be called as Respondent) filed a counter contending as follows :—

The Petitioner is not a workman as defined in Industrial Disputes Act, 1947. The Petitioner worked as part-time mazdoor in 1985 in Maintenance Organisation which is a separate unit and nothing to do with the Respondent. This part-time work does not make the petitioner a workman. The petitioner worked for one month in Coaxial Station Works, Anakapalle in March 1986. Again he worked in Visakhapatnam in 1987 and after completion of the equipment shifting work, he left the place and he did not turn up again for 14 months. Again he was employed from 15th February, 1989 to 28th February, 1989 in Anakapalle. Again he worked for 51 days intermittently in March, 1989 and July, 1989 under the Junior Telecom Officer, Carrier & VPT. Each work is an independent work and the assignment ceases automatically after completion of the work. The Petitioner was not served with appointment order or termination order. The Petitioner acted as contractor in September 1989 and August, 1990 as per the agreements dated 4th March, 1989 and 12th August 1990. He supplied labour to the Department. He never worked for 240 days continuously. The Petitioner is not entitled to any relief.

4. The Petitioner examined himself as W.W.1 and filed Exs W1 and W2. The Divisional Engineer, Coaxial Cable Project Telecom Department is examined as M.W.1 and he filed Ex. M1.

5. The point for consideration, is whether the Petitioner is entitled for reinstatement with back wages.

6. POINT.—The evidence on record proved the following facts. The Petitioner worked in the Telecom Department as mazdoor intermittently. Initially he worked as part-time mazdoor for four hours per day from 21st May 1985 to 30th November, 1985 as per Ex. W2 certificate issued by the Assistant Engineer, Maintenance Division. Again he stated to work in Coaxial Cable Project. The entries in Ex. W1 book attested by the Junior Engineer or Assistant Engineer disclose that he worked from 1st March, 1986 to 31st March, 1986, 1st February, 1987 to 31st December, 1987, 21st March, 1989 to 10th April, 1989, 21st April, 1989 to 10th May, 1989 and 11th July, 1989 to 20th July, 1989. Thereafter, he worked as a Contractor as per Ex. M1 Agreement executed by him on 23rd September, 1989. No doubt he worked for more than 240 days in 1987 and his services were terminated without following Section 25-F of the Industrial Disputes Act, 1947 or Chapter V-A of the Industrial Disputes Act, 1947. But later he accepted the contract offered by the Department and worked as Contractor. The contention of the Respondent is that the petitioner was engaged as and when there was work and disengaged as and when work is completed. Perhaps the Respondent in this case wants to bring the case within Section 2(a)(bb) of the I.D. Act. This section does not apply to casual labour as per the decision of his Lordship Jagannadh Rao's (as he then was) reported in R. Srinivasa Rao v. Labour Court, Hyderabad 1990(2)I.L.J. 577. But the Petitioner gave up the right of workman and joined as contractor. Now he cannot agitate the matter once again.

7. There is another hurdle in the way of the Petitioner. The Supreme Court held in Sub-Divisional Inspector of Post, Vaikam and Others v. Theyyamm Joseph etc. (1996 I.L.R. page 483) that Telecom Department is not an industry and when once it is held that the Telecom Department is not an industry this Court has no jurisdiction to entertain the dispute. The Petitioner becomes a Government servant and he should approach the Central Administrative Tribunal.

8. In the result, an Award is passed holding that the Petitioner not entitled to any relief.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 16th day of August, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined on behalf of the Petitioner:

W.W.1—B. T. Eswart Rao.

Witnesses Examined on behalf of the Respondent:

M.W.1—S. V. Srinivasan.

Documents marked on behalf of the Petitioner:

Ex. W1—Book containing the working days particulars.

Ex. W2/8-4-91—Certificate issued by Asst. Engineer, Coaxial MTCE Department of Telecom, Anakapalle regarding the working days particulars of W.W.1.

Documents marked on behalf of the Respondent:

Ex. M1—Agreement (xerox copy) entered with the Management.

नई दिल्ली, 20 सितम्बर, 1996

का. आ. 2891 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कान्टीन स्टोर्स विभाग के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-96 को प्राप्त हुआ था।

[संख्या एन-14012/21/92-आई आर (डी यू)]

के. बी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 20th September, 1996

S.O. 2891.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Canteen Stores Deptt. and their workman, which was received by the Central Government on 20-9-96.

[No. L-14012/21/92-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 89 of 1993

In the matter of dispute between :

Bangali Babu son Ram Bharosey,
House No. 35/27 Naubasta Lohamandi,
Agra.

AND

Depot Manager,
Canteen Stores Department,
Station Road Agra Cantt.

AWARD

1. Central Government, Ministry of Labour New Delhi, vide its notification No. L-14012/21/92/IR.D.U. dt 30-9-93, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the Depot Manager Central Store Depot Agra Cantt. in termination the services of Sri Bangali Babu son of Ram Bharose w.e.f. 4-1-89 is justified? If not, what relief the workman concerned is entitled to?

2. The case of the concerned workman Bangali Babu is that he had worked on a permanent post in the opposite party canteen Stores Department Agra from 5-6-86 to 3-1-89. His services were terminated w.e.f. 4-1-89 and one Nandan Singh junior to him was deputed to perform this duty. Thus there has been breach of section 25F of I.D. Act and section 25G of the Act. In this way the termination of the concerned workman is bad in law.

3. The case of the opposite party is that the concerned workman was engaged as mazdoor to meet the exigency of work. He did not work continuously. A test was held in which he had failed hence his name was not empanelled. It was also alleged that the opposite party organisation is not an industry.

4. The concerned workman has filed rejoinder in which nothing has been said.

5. The concerned workman has adduced his evidence whereas opposite party has given the evidence of M. L. Garg M.W.1. Besides the concerned workman had relied upon certificate dt. 22-11-88. The opposite party has relied upon Ext. M.1 to M. 31 the copies of muster to show that the concerned workman has not worked continuously.

6. There is copy of judgment in Civil Appeal No. 484 of 1975 Radhu K. Kage versus Union of India dt. 11-12-85 in which Canteen Stores Depots in India has been held to be an industry. In view of this judgment of Hon'ble Supreme Court, I have no hesitation in holding that opposite party organisation is an industry.

7. The second point which calls for determination is as to whether the concerned workman had worked continuously from 5-1-86 to 3-1-89. The concerned workman Bangali Babu has stated that he has continuously worked as stated above.

8. Sh. M. L. Garg Manager of Canteen Stores Depot Agra has stated that he has not continuously worked. In support of this he had relied upon copies of muster roll. He had denied the suggestion that original muster rolls have been lost and that fabricated muster rolls have been prepared of which extracts have been filed. Even if it is so, in my opinion, the document filed by the concerned workman himself goes to help his version. As stated earlier there is copy of certificate dt. 22-11-88 in which the concerned workman has been shown to have worked as daily rated mazdoor with intermittent breaks. It shows that the concerned workman had not worked continuously. Thus the rejoinder file by the concerned workman himself belies his stand. Hence my finding is that the concerned workman had not worked continuously. In this way it is also not proved that he had continuously worked for more than 240 days in any calendar year as such he is not entitled for benefit of section 25F of I.D. Act.

9. No doubt averment was made by the opposite party that the concerned workman has failed to appear in test but neither any documentary or oral evidence has been adduced to prove this fact. Hence, this plea is decide against the management for want of proof.

10. Now the only point which calls for determination is as to whether concerned workman is entitled for benefit of section 25G of I.D. Act if so whether there has been breach of it. In the case of management of State Bank of Bikaner & Jaipur versus their workmen Civil Appeal No. 7029 of 1994 wherein it has been held by the Hon'ble Supreme Court vide judgment dt. 8-2-96 that the provisions of section 25G and H of I.D. Act are independent of section 25F of I.D. Act. In other words it is not necessary for availing benefit of section 25H of I.D. Act that a workman should have completed 240 days in a calendar year. It is enough if it is shown that he was engaged temporarily and has done work which is normally done by a permanent workman. The concerned workman has alleged that he was doing the work of permanent nature. M. L. Garg M.W.1 has denied it. In his cross-examination

he has stated that the concerned workman was doing the work of loading and unloading whereas permanent employees do not it. However, later on he admitted that work of loading and unloading are being done by permanent hands as do well. From this it becomes clear that concerned workman was doing the work of permanent nature on temporary basis as daily rated worker. There can be no manner of doubt that such a workman is also entitled for benefit of section 25G of I.D. Act, as even a daily rated workman as envisaged by section 2(s) of I.D. It has not been disputed that in place of this workman one Nandan Singh has been deputed who is junior to him. Thus there has been breach of section 25G of I.D. Act. Even otherwise to my opinion the workman who is doing the work on temporary basis cannot be deprived of worker without any rhyme or reason.

11. In the end my award is that the termination of the concerned workman is bad in law and as such the concerned workman will be reinstated in services in the position in which he was working on the eve of his cessation of work as a daily rated worker.

12. Reference is answered accordingly.

12-9-96

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 20 सितम्बर, 1996

का. आ. 2892 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कान्टीन स्टॉर्स विभाग के प्रवन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-96 को प्राप्त हुआ था।

संख्या एल—14012/1/93—आई आर (डी यू)

संख्या एल—14012/2/93—आई आर (डी यू)

संख्या एल—14012/3/93—आई आर (डी यू)

संख्या एल—14012/4/93—आई आर (डी यू)

संख्या एल—14012/6/93—आई आर (डी यू)

के. बी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 20th September, 1996

S.O. 2892.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Canteen Stores Department and their workman, which was received by the Central Government on 16-9-96.

[No. L-14012/1/93-IR(DU)

14012/2/93-IR(DU)

14012/3/93-IR(DU)

14012/4/93-IR(DU)

14012/6/93-IR(DU)]

K. V. B. UNNI, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, PANDU, NAGAR, KANPUR

Industrial Dispute Nos. 41/94 (L-14012/1/93 IRDU
dt. 21-4-94) Bhoop Ram S/o. Sri Rammurti Lal

c/o. Ram Lal Yadav house No. 590, Mohalla Ahir
Sadar Bazar Bareilly Cantt.

No. 40/94 (L-14012/3/93 IRDU dt. 21-4-94) Surendra
Kumar S/o. Ram Swarup Vill. Pargana Post
Umarviya District Bareilly.

No. 42/94 (L-14012/6/93 IRDU dt. 21-4-94) Badshah
son of Pam Chandra Village Mathiya Nangla
Sirkara District Bareilly.

No. 44/94 (L-14012/4/93 IRDU dt. 21-4-94) Daulat
Ram S/o Ram Lal r/o 509 Sadar Bazar Bareilly.

No. 48/94 (L-40012/2/93 IRDU dt. 5-5-94) Sri Narain
S/o Khem Karan Diola Dak Sarkara District
Bareilly.

AND

Depot Manager, Canteen Stores Department, Station
Road, Sarvatra Bhavan, P. B. No. 69 Bareilly
Cantt.

APPEARANCE

Surendra Singh—for the concerned workmen.

Sriprakash Gupta—for the Management.

AWARD

1. Central Government, Ministry of Labour, vide its notification number referred to above, have referred the dispute for adjudication as under :—

Whether the action of the management of canteen stores
Department in terminating the services of,—

Bhoopram S/o of Ram Murti Lal, Rajendra Kumar
S/o Ram Swarup, Badshah S/o Ram Chander,
Daulat Ram S/o Ram Lal, Shri Narain S/o Khem
Karan.

Ex. daily rated mazdoors w.e.f. 15-12-88, 4-1-89, 17-1-89
25-1-89 & 13-12-88 respectively is justified? If not, what
relief he is entitled to?

2. The foregoing five references are being disposed of by
a common award as barring the dates of appointment and
termination, the facts and evidence is common to them.
Main evidence has been adduced in I.D. case No. 41 of
1994 Bhoop Ram and Canteen Stores.

3. First the details of dates of appointment and termina-
tion of all the five workmen will be given, thereafter, the
remaining part of claim statement will be recited. It is
also pertinent to note that the management has not chosen
to file written statement. Instead they have file rejoinder
on affidavits. Strictly speaking such affidavit cannot be treat-
ed as part of pleading. Still in order to avoid prejudice to
the management, I will consider the objection raised in the
rejoinder.

4. Following are the details of engagement and termina-
tion all the five workmen.

Sl. No.	ID No.	Name of the Workman	Date of appoint- ment	Date of termina- tion
1.	42 of 94	Bhoop Ram	15-11-86	15-12-88
2.	40 of 94	Surendra Kumar	11-11-85	4-1-89
3.	42 of 94	Badshah	28-2-85	17-1-89
4.	44 of 94	Daulat Ram	5-5-86	25-1-89
5.	48 of 94	Sri Narain	1-7-85	12-12-88

All the concerned workmen have alleged that they have
continuous worked for more than 240 days in a year from
the date of appointment upto to the date of their respective
termination. The opposite party management had prepared
a pane of daily rated mazdoors in which the name of the
applicants have not been included wrongly and thereafter
the concerned workmen were denied the work. That

amounts to termination. This retrenchment is motivated because they were being paid Rs. 15 per day as wages whereas regular employee doing the same job was being paid Rs. 1162 per month. When they claimed for parity their services were brought to an end after preparing that aforesaid panel. At the time of their retrenchment juniors were retained in service. Hence because of non payment of retrenchment compensation and notice pay and further without affording any opportunity their termination is bad in law.

5. The opposite party management have filed counter affidavit in which it is alleged that employees of the opposite party are governed by Fundamental Rules and Supplementary Rules Central Service Rules, 1965 etc, hence they would not governed by provisions of I.D. Act. Further it was alleged that opposite party is not an industry. On facts it is alleged that concerned workmen were appointed in leave vacancies as daily rated workers, they have not completed 240 days in any calendar year. Further the strength of Group 'D' employees to which the concerned workmen belong has been reduced. Lastly reference has been made to I.D. No. 204 of 89 and 205 of 89 given by Central Labour Court Vishakapatnam by virtue of which the court had declined to entertain the application.

6. In the counter affidavit the concerned workmen have reiterated the facts as alleged in the claim statement.

7. In support of their respective case each of the applicant has given his affidavit indicating their date of appointment and termination. They have also stated that they had continuously worked and did not work in any leave vacancies. This fact has been controverted by I.P. Gupta, UDCDWI. In his cross examination he has also stated a panel was prepared in which persons who had worked for more than 240 days were impanelled. As the concerned workmen had not completed 240 days work their names were not included. Besides, the workmen have filed Ext. W-1 to W-8.

8. I will taken up the legal objection of the opposite party first.

9. The authorised representative of the concerned workmen have filed judgment dt. 5-7-91 of O A No. 136 of 89 of Central Administrative Tribunal, Bombay. In this case this very objection was raised regarding opposite party being an industry or not. It was answered against the establishment. In that case reliance was placed on the case of Radhu K. Kade versus Union of India 1986 SCC (L&S) 177. In the case all the opposite party was held to be an industry. In view of this authority I have no hesitation in overruling the objection of the management.

10. Next the authorised representative of the management have cited the judgment of I.D. No. 205 89 dt. 13-5-91. I have gone through this judgment. It appears that the Presiding Officer of the Tribunal had refused to entertain on the ground that notification in official gazette was not made in respect of appointment of Presiding Officer. In this context the Presiding Officer had showed his inability to proceed with case. In the instant case there is no such problem as such this case will not help the opposite party in any manner. The contention based on this order is negated.

11. Next the effect of letter dt. 15-8-88 will be considered. By this letter Assistant General Manager on behalf of the General Manager of the opposite party Government of India had given some directions. First it was deplored that non sponsored individuals were being impanelled by local officer. It was emphasised that persons sponsored by Employment Exchange, District Sailor Soldier Airmen Board should be impanelled. It was further directed that no persons other than those impanelled before 7-5-77 should be impanelled under, their names are sponsored by the above mentioned government agencies. Thus by this letter a cut off date namely 7-5-85 was fixed. All the five concerned workmen were not impanelled as their names are not found to have been sponsored by the employment exchange. In my opinion fixing of cut off date with retrospective effect is against the canon of natural justice as by such action rights acquired by persons previously are adversely affected. If the manage-

ment has chosen not to impanel them on the basis of this direction it is bad in law. Consequently non impanelment of the concerned workmen in the panel is bad law in this score. There can be no manner of doubt that exclusion of name of a person who had rendered some service would amount to retrenchment. In this way cessation of the services of the concerned workmen on this basis is bad in law.

12. Lastly it will be seen if the concerned workmen had worked continuously. In this regard there is evidence of all the five concerned workmen. No doubt H. D. Gupta had entered into the witness box and has denied this fact, but I am not inclined to accept the same. Obviously the concerned workmen being daily rated worker could have no relevant papers to prove their case. They could prove their case only by their oral evidence. The opposite party could have falsified the case of the concerned workmen by filing, and proving the extracts of attendance register which they have not done. The management have even not proved the documents which they had filed. Apart from this there are certificate Ext. W-8 in I.D. No. 41 of 94 and Ext. W-8 of I.D. 48 of 94 in respect of Bhoo Ram and Sri Narain respectively. In these certificates the above mentioned persons have been certified to have worked by persons of the management. It was also Certified that both the workmen had worked from 1-7-85 continuously except Sundays and other holidays. The other workmen have not filed certificate. Any way the case of these two workmen further finds support from these certificates. In view of the above discussion I accept the version of the concerned workmen and it is held that each of the workmen had completed 240 days before their respective retrenchment. It is not disputed that they have not been paid notice pay and retrenchment compensation.

13. Hence the termination of each of the concerned workmen is bad on this score.

14. In view of above discussion, my award is that termination of these workmen is bad in law and as such they are entitled for reinstatement with back wages at the rate at which they were lastly paid.

29-8-96.

B. S. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का. आ. 2893 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एयर इंडिया लिमिटेड, मुम्बई के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-96 को प्राप्त हुआ था।

[संख्या एल-11012/5/91—आई आर (विधि)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2893.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Limited, Mumbai and their workmen, which was received by the Central Government on 16-9-96.

[No. L-11012/5/91-IR(Misc.)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.
Reference No. CGIT-1/60 of 1992

PARTIES :

Employers in relation to the management of Air India
Ltd., Mumbai.

AND

Their workmen.

APPEARANCES :

For the Management : Shri A. R. Kulkarni, Advocate.

For the Workman : Ms. Samant, Advocate.

STATE : Maharashtra.

Mumbai, dated the 29th day of August, 1996

AWARD

The appropriate Government has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Air India in terminating the services of S. K. Bangera, Casual Labour, with effect from 25th November, 1983 is legal and justified? If not, to what relief the workman is entitled to?"

2. The case of the workman, shorn of unnecessary details is that he was appointed as a casual labourer by the Air India Corporation (management, hereinafter) in 1979 in its Cargo Section. He continued to work in the said section till February 1982. From March 1982, his services were utilised in the canteen as Assistant.

3. The case of the workman is that he was waitlisted for absorption in a permanent vacancy and he was directed to report for a medical examination in pursuance of which he reported for medical examination on November 21, 1983 in the Medical Services Department of the management. On November 23, 1983 he was informed that he was found medically unfit. The workmen made representations but to no avail. Eventually, the workman took the matter before Assistant Labour Commissioner, at whose intervention some more tests were carried out and eventually the Medical Services Department of the management found the workmen medically fit vide report 13th July, 1990.

4. The case of the workman is that the workman had continuously worked for a period exceeding 240 days prior to his termination, which was effected on 25th November, 1983. In doing so, the provisions of Section 25F of the Industrial Disputes Act were violated. In the end he prayed for relief of reinstatement with back wages with continuity of service. It may be stated that though very many pleas were taken showing entitlement of the workman for absorption against the post of Cleaner, no relief was claimed in this regard.

5. The management in its reply alluded to the fact that the workman had been earlier claiming for absorption on a permanent basis, but such a dispute was not referred by the Appropriate Government to this Tribunal. It pleaded that the dispute qua termination was referred after a great deal of delay and there was no explanation for this delay and hence the claim could not be entertained.

6. The management did not dispute that the workman had been engaged as a casual labour. It was sought to be made out that he was employed only to meet urgent requirements. It was denied that he had completed 240 days of continuous service prior to 25-11-83. It was denied that there was any retrenchment of the workman by letter dated 25-11-83. It was pleaded that the workman had been found medically

unfit and hence he could not be absorbed against any permanent vacancy. Certain other pleas were taken which are not material for decision of the dispute.

7. The workman filed his own affidavit in support of his case. He filed a lot of documentary evidence. The management did not lead any oral evidence but it also filed a lot of documentary evidence.

8. Both the sides were heard in extenso on their respective contentions. Learned Counsel for the workman laboured hard to show that the workman was medically fit to be appointed to a permanent post of Cleaner and was wrongfully denied absorption and hence this Tribunal may direct absorption of the workman as a permanent cleaner. Suffice to say that the dispute pertaining to permanent absorption has not been referred to this Tribunal; this Tribunal is a Tribunal of limited jurisdiction and the jurisdiction is confined to the terms of reference quoted above. Hence, I do not propose to go into the question of entitlement of the workman to permanent absorption but shall confine myself to the question if the workman had been illegally retrenched and if so, to what relief he is entitled to.

9. In his pleadings as also in his affidavit the workman has stated that he served the management from November, 1979 to November, 1983 continuously and from March 1982 to November 1983, he was posted to work as Assistant in the Canteen run by Air India at old Airport at Santacruz and was paid Rs. 600 p.m. He was working from Monday to Friday and also on Sunday and his work timings were from 6 a.m. to 3 p.m. except for breaks on Saturdays. He also stated that his work was of a regular and permanent nature. He further stated that his services were terminated with effect from 25th November, 1983. He further stated that he was not paid any retrenchment compensation; he was not given one month's notice or pay in lieu thereof. There was no cross-examination of the workman on the aforesaid contents of his affidavit worth the name and the management contended itself by suggesting to him that he had falsely stated that he had been continuously working from 1979 till 1982. He was denied this suggestion.

10. That the workman had been in the employment of the management since 1979 as a casual labourer is amply proved by the affidavit of the workman. The statement has not been shaken in cross-examination. The management has not led any evidence to demolish the statement of the workman. That the workman continuously worked as Assistant in the canteen from March 1982 to November 1983 with artificial breaks on each Saturday is amply proved by his affidavit which has not been shaken in cross-examination in any manner. That he was getting a salary of Rs. 600 p.m. has also not been refuted by any evidence.

11. No official from the canteen has been examined by the management to say that the workman was making a false claim in this regard and he did not serve for the period alleged by him. Hence, I accept the statement of workman as reliable and credible on his aspect of the case. From this evidence, it is established that the workman continuously worked for more than 240 days in the preceding calendar year prior to his termination, of course with artificial breaks on Saturdays.

12. The management has taken the stand that the services of the workman were not terminated at all. Ex. B filed by the management and referred to in para 6 of the reply of the management clearly establishes that it was the management, which terminated the services of the workman. This Ex. B is a letter of the management dated November 25, 1983 addressed to the workman. The copies of this letter were inter-alia endorsed to Catering Superintendent, canteen services and Security Manager. The endorsements read as follows :

"cc: Catering Supdt., Canteen Services.—With a request to terminate the services of Mr. Sitaram Krishnappa Bangera, a Casual Labourer, working in the Canteen, with immediate effect and to ensure that he is not employed in any capacity in future.

cc: Security Manager, Santa Cruz.—With a request to withdraw the Identity Card from Mr. Sitaram Krishnappa Bangera, Casual Labourer issued by Air India as well as by Government of India."

These endorsements clearly establish that, it was the management, which in fact terminated the services of the workman.

13. However, the question is whether this termination of service of the workman amounts to retrenchment as defined in Section 2(oo) of the Industrial Disputes Act. This section reads as follows :

"retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

(a) voluntary retirement of the workman; or

(b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

[(bb) termination of the service of the workman as a result of the non-renewal of its contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under stipulation in that behalf concerned therein or]

(c) termination of the service of a workman on the ground of continued ill-health;

The contention of the management is that the case of the workman falls within clause 'c' of the said definition. The workman was found to suffer from 'epilepsy' which is an incurable disease and hence termination of his service was proper and valid.

14. The learned counsel for the workman has cited a large number of rulings to show that even a casual labourer, who has continuously worked for more than 240 days, in a year preceding the date of termination, would be entitled to protection of Sec. 25F of the Industrial Disputes Act and any termination of the services of such a workman would be void. Since, I wholly share this view, I have not encumbered this award by citing the said rulings, the texts whereof are found elsewhere on the record. But, then this proposition of law is subject to the provisions of Sec. 2(oo) of the Act, which defines what shall be retrenchment and what shall be not.

15. Retrenchment as per clause (c) of the said section would not embrace with in its fold termination of the service of a workman on the ground of continued ill health' (emphasis mine). The expression 'continued ill health' when construed literally would mean that a workman should have been in ill healths over a period of time and must be in ill health, when the action of termination is resorted to. Now, there is no evidence before the Tribunal that the workman had been in ill health over a period prior to the date of his medical examination on 21st November, 1983. The workman was cross-examined on his affidavit filed in lieu of examination in chief and it was not even faintly suggested to him that he had been in ill health prior to 21st November, 1983. Rather the suggestion given to him was that during conciliation proceedings, he underwent a medical examination and then he was suffering from epilepsy. The workman admitted that he did undergo medical examination during conciliation proceedings. He then went on to state "but it is true then I was suffering from epilepsy."

16. Much argument was centred round this admission. Learned counsel for the workman submitted that this part of the statement was not correctly recorded and what the witness stated was "but it is true then I was not suffering from epilepsy". Learned counsel for the management submits that this statement was recorded by Hon'ble Justice R. G. Sindhakar on 28th September, 1994 and if the workmen found that his statement had been recorded incorrectly, he should have applied for correction of the same and since this was not done, the statement has to be read as it is. In my opinion, I need not enter into this controversy because the state of health of the workman after termination of his service would not be germane for deciding if the termination of his service was bad. In this context, I would like to point out that during conciliation proceedings, the workman got himself examined by different

doctors including the doctors of the Medical Services Department of the management at Santacruz. By his letter dated 12th July, 1990, copy of which was also endorsed to Dr. B. B. Gajre, Dy. Chief Medical Officer, Nariman Point Bombay, Dr. D. L. Borde, Assistant Director Medical Services, inter alia stated :

"Fresh P.E.M. examination in respect of Mr. Bangera has been completed in all respects and Mr. Bangera is found medically fit for the post of cleaner in the Engineering Department. His formal P.M.E. Report in original is enclosed for the action deemed fit at your end.

In his written submissions, the learned counsel for the management pointed out that this medical examination took place seven years after the termination of the services of the workman and that too under the directions of the Regional Labour Commissioner, who exceeded his jurisdiction in directing a fresh medical examination. To this, learned counsel for workman submitted that this medical examination was with the agreement of the management and hence the management can not be permitted to urge that this medical examination is of no consequence. In my opinion, the validity or otherwise of the termination of the services of the workman has to be considered only on the basis of position as it existed at the time of termination and the medical examination, which took place later on, does not have any bearing on the question which requires adjudication. Some rulings were cited on this point by learned counsel for the management. I have gone through them and they do not appear to be applicable to the facts of the present case for two obvious reasons; firstly, for casual appointment, there was no requirement of medical examination and secondly as stated above the medical department of the management found him fit. Actually all this has been stated with a view to complete the narration. Otherwise, all this is not germane for deciding the legality or otherwise of the termination of the workman.

18. To my mind, the correct position would be, that if the case of the workman falls under Section 2(oo) clause (c), then the workman has no case. However, if said clause (c) of the said section is not applicable to the workman, then the matter would stand on a different footing altogether.

19. As pointed out earlier, the management has not come out with the case that the workman had been in continued ill health. Rather, the admitted position on both hands is that the workman had been offered a job of cleaner in the Engineering Department by a letter dated 15th November, 1983, subject to medical fitness. He was not found medically fit. Now, this evidently entitled the management to refuse appointment to the workman on a regular basis but it did not entitle the management to terminate the casual employment of the workman without resorting to provisions of Section 25F of the I.D. Act, since the termination did not proceed on the basis of continued ill health of the workman. The termination letter does not state that workman had been in continued ill health. To my mind, the two positions are quite different and distinct from each other. I may state that in para 2 of his written statement of claim, the workman had specifically stated : "It is pertinent to note that casual labourers are not required to undergo any medical examination." This plea was not controverted by the management in the written reply to the statement of the claim of the workman. Hence, it is evident that the workman could have been continued to work in the Canteen as a casual workman, because he had had put in more than 240 days of work in the preceding year and if the management wanted to terminate his service, it should have complied with the provisions of Section 25F of the I.D. Act, termination not having been made on the ground of continued ill health but on his state of health as on the day of medical examination. Hence, I find that the termination of the service of the workman was void in law.

20. Before proceeding further, I may deal with two preliminary objections raised on behalf of the management viz. (i) There was inordinate delay and reference was made after lapse of almost six years and hence it was bad in law; and (ii) Before the conciliation authorities, the dispute was

regarding permanent absorption of the workman but the dispute referred to the Tribunal is about the legality or otherwise of the termination of the service of the workman and hence the reference is bad.

21. I may take the second point first. In my opinion, how the matter proceeded during the course of conciliation is not crucial and decisive. It is the opinion of the appropriate Government which matters while referring the dispute. If in the opinion of the appropriate Government, the dispute existed about the legality and otherwise the termination of the service of the workman, it was competent to refer the said dispute. In my opinion, no exception can be taken to the reference in its present form.

22. Now, I may take up the question of delay. The I.D. Act does not lay down any limitation for raising a dispute. However, the question of delay assumes significance while granting the relief. In the present case, the services of the workman were terminated on 25th November, 1983. The workman made certain representations to the management in years 1983 and 1984. He was given a final reply on 6th July, 1984 that he could not be offered any employment.

23. On having received this reply, the workman ought to have approached the conciliation authorities immediately but he appears to have moved the conciliation authorities only on 20th May, 1989. He, thus, allowed almost five years to elapse. The matter then remained in conciliation and the attempt of the workman through out was to procure a permanent employment and not reinstatement in the capacity in which he was serving on the date of termination. On 22nd March, 1991, a failure report was submitted but the appropriate Government refused to refer the dispute for adjudication. Eventually, the workman filed a Writ Petition before the Bombay High Court (208 of 1992) and it was under orders of the said High Court that the Appropriate Government made this reference on 5th/10th August, 1992.

24. One thing which strikes me is that throughout the workman was sticking to his position that he was entitled to permanent absorption. The management took the stance that this could not be done on the ground of medical unfitness of the workman. Never during the entire course of the dispute did the workman request the management to allow him to be taken back on duty as an assistant in the Canteen, the job he was discharging immediately prior to his retrenchment. This is a factor which must weigh with this Tribunal in granting the eventual relief.

25. I have already held that termination of the service of the workman was effected to, without resorting to the provisions of Section 25F of the I.D. Act. I have also held the case of the workman was not covered by provisions of clause C of Section 2(oo) of the I.D. Act; there was no plea of a previous ill health which continued till termination; hence the termination of his service is void altogether.

26. Now, I have to see to what relief the workman should be held entitled to. To my mind, he deserves reinstatement in the Canteen Section, as a casual labourer at wages which are admissible to this category of workman. This should be done forth with as the medical department of the management itself found him fit as the certificate of Dr. D. I. Borde already reproduced elsewhere shows. He shall be entitled to his full back wages from date of termination till 6th July, 1984 at the rate, he was paid his wages on the date of termination. He is not entitled to any back wages for the period 6th July, 1984 till 20th May, 1989. From 20th May, 1989 when he approached conciliation authorities, till date he shall be entitled to 1/3rd of the wages of a casual employee in canteen, the job which he was discharging prior to termination. I have not allowed him full wages for this period because as stated earlier throughout the long period of conciliation and till reference, he never requested the management to reemploy him on a casual basis but throughout insisted on permanent absorption, a dispute which has not been referred to me. In the circumstances of the case I leave the parties to bear their own costs. Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का. आ. 2894 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एच. पी. सी. एल., मुम्बई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-96 को प्राप्त हुआ था।

[संख्या एल-30012/8/85-डी. III (बी)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2894.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. H.P.C.L., Mumbai and their workmen, which was received by the Central Government on 16-9-96.

[No. L-30012/8/85-D-III(B)]
BRAJ MOHAN, Desk Officer

ANNEXURE-I

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer,
Reference No. CGIT-11 of 1987

PARTIES :

Employers in relation to the management of M/s.
Hindustan Petroleum Corporation Limited, Bombay.

AND

Their workmen.

APPEARANCES :

For the Management : Shri Palshikar, Advocate.

For the Workman : Shri Gopalakrishnan, Advocate.

INDUSTRY : Petroleum.

STATE : Maharashtra.

Bombay, dated the 25th day of October, 1994

AWARD (Part-I)

Government of India, Ministry of Labour has referred to this Tribunal, dispute mentioned in the schedule for adjudication under Section 10(1)(d) read with sub-section 2A of the Industrial Disputes Act, 1947 :

"Whether the action of the management of M/s. Hindustan Petroleum Corporation Limited in relation to its Depot at Pune in discharging from employment S/Shri J. G. Gandhi, Driver and D. B. Saste, Cleaner w.e.f. 22-8-84 is justified? If not, what relief the workmen concerned are entitled to?"

2. Statement of claim has been filed by the Union. It states that the two employees namely S/Shri J. G. Gandhi and D. B. Saste came to be discharged on the charges held proved against them without following the rules of natural justice. The contention is that the order of discharge is not preceded by a proper enquiry. It was held by an Enquiry

Officer who was biased. The workmen were not given copies of the statement relied upon "well in advance". The Enquiry Officer arrived at conclusions without there being legal evidence, merely on conjectures or surmises. It is also contended that the findings are perverse.

3. The management denied that the orders of discharge in respect of these two employees were not preceded by proper, legal and fair enquiry. It also denied that the Enquiry Officer was biased and that the findings were based on conjectures or surmises and not on legal evidence. Considering the gravity of the misconduct and the past record punishment of dismissal was merited. However, they were discharged. It is further stated that in case it is found that the order of termination is vitiated on any ground management be given an opportunity to lead evidence to prove the charges.

4. In the additional written statement filed little later the management stated that the copies of the enquiry proceedings including the documents proved were supplied to the delinquent employees and there was no question of they being prejudiced.

5. Evidence in the form of affidavits have been recorded and those persons who filed affidavits have been cross-examined. They have also relied upon the documents. The parties have submitted written arguments.

6. The first point that I shall deal with is with regard to the non-supply of the copy of the Enquiry Officer's report because it is submitted that would vitiate the enquiry. At the outset I may mention that in the statement of claim this point does not appear to have been taken up. Apart from that since it is submitted that the failure to supply copies of the Enquiry Officer's report before passing impugned order will go to the root of the matter I will deal with the same.

7. In this connection the decisions of the Supreme Court could be usefully referred to. In the case between Kailash Chander Asthana and others and State of Uttar Pradesh (and other cases) reported in 1988 II L.J. 558. The Supreme Court while dealing with the case of termination of service of Municipal Magistrate based on enquiry report of Administrative Tribunal constituted under Uttar Pradesh Administrative Tribunal Disciplinary Proceedings (Administrative Tribunal) Rules under Article 311 (as amended by 42nd Amendment) held that it was not necessary to do so after the 42nd Amendment and such a second opportunity could not be demanded legitimately by the delinquent employee. That was a case in which there was a specific rule stating that a copy of recommendation of the Tribunal as to the penalty should be furnished to the charged Government servant. In another decision of the Supreme Court in the case between Associated Cement Companies Ltd. and Shri T. C. Srivastava and others between Rama Shankar and others and T. C. Srivastava and another reported in 1984 II L.J. 105. The Supreme Court held that the Standing Order providing for opportunity to be given to workers to offer explanation before imposing punishment of dismissal does not imply second opportunity being given before inflicting punishment after conclusion of enquiry and the enquiry is not vitiated by failure to give second opportunity. Therein the effect of certified Standing Order No. 17 and Article 311 of the Constitution was considered. It was held that such second opportunity was not necessary.

8. Another decision in the case between Union of India Vs. Mohammed Ramzan Khan. The Supreme Court considered Article 311(2) as amended by 42nd Amendment. It was held no doubt that the delinquent was entitled to copy of such report and failure to furnish copy of the report would offend or violate rules of natural justice and that 42nd Amendment has not brought about any change in right of delinquent employee being furnished copy of enquiry report. However, in the same decision, it has been observed that this decision will have prospective application and no punishment imposed shall be open to challenge on that ground. The decision is dated 20th November, 1990 and present enquiry has been concluded as early as in the year 1984.

9. In a later decision in the case between Managing Director, ECIL, Hyderabad and B. Karunakar the Supreme Court considered the effect of the decision in Mohammed Ramzan Khan's case and observed:

"The need to make the law down in Mohd. Ramzan Khan's case (supra) prospective in operation requires no emphasis. As pointed out above, in view of the unsettled position of the law on the subject, the authorities/managements all over the country had proceeded on the basis that there was no need to furnish a copy of the report of the Enquiry Officer to the delinquent employee, and innumerable employees have been punished without giving them the copies of the reports. In some of the cases, the orders of punishment have long since become final while other cases are pending in courts at different stages. In many of the cases, the misconduct has been grave and in others the denial on the part of the management to furnish the report would ultimately prove to be no more than a technical mistake. To re-open all the disciplinary proceedings now would result in grave prejudice to administration which will far outweigh the benefit to the employees concerned. Both administrative reality and public interests do not, therefore, require that the orders of punishment passed prior to the decision in Mohd. Ramzan Khan's case (supra) without furnishing the report of the Enquiry Officer should be disturbed and the disciplinary proceedings which gave rise to the said orders should be reopened on that account."

In view of this decision I do not think it could be successfully urged that failure to the supply copy of the Enquiry Officer's report before passing the order of discharge vitiates the order. I therefore hold on the first point against the delinquent employee.

10. It is then the case of the union that the Enquiry Officer was biased. In fact there is no material adduced to show that, it was so. At no stage of the enquiry proceedings did the delinquent employees or their defence counsel take up this point indicating clearly that they took chance of verdict in their favour and since the same has gone against them they are now taking up a plea that the enquiry was biased. I, therefore, find no merit in this contention either.

11. The union has contended that the enquiry is vitiated because the delinquent employees were not supplied with the copies of the documents well in advance on the date of the enquiry. On behalf of the union reliance has been placed upon certain decisions to which I will make reference a little later.

12. In the first instance it has to be pointed out that the enquiry proceedings are faithfully recorded and it is seen that at no stage was a grievance made on this count by or on behalf of the delinquent employees. When the documents were tendered inspection was sought and the same was given. No request for adjourning the matter for cross-examination was ever made on the ground that the copies have been not supplied or supplied late and they required time to study them. If such a request had been made and adjournment refused it could have been urged that the delinquents and their representative were under a handicap and thus prejudiced. This is not the position here. I do not think it would be proper to now urge that the copies were not supplied well in advance and therefore, the enquiry is vitiated. I am not impressed by this line of arguments.

13. Grievance is then made that the Enquiry Officer relied upon the documents which were not duly proved. Submission is that some statements are produced and those persons whose statements are produced have not been produced for cross-examination. I once again find at no stage of the enquiry the delinquents or their representative asked for such opportunity. It is now well settled that strict compliance of evidence Act is not applicable to proceeding of domestic enquiry. The witnesses examined on behalf of the management tendered certain statements made before them during the course of enquiry and they were read in evidence. In the absence of challenge to those witnesses who produced them by suggesting that they were not statements made by those persons who are purported to have made the management

did not think it necessary to produce those persons before the Enquiry Officer. Complaining about it now at this stage is in my opinion not correct.

14. Now I will refer to the decisions relied upon. A decision in the case between Kasuram Cotton Mills Ltd. and Gangadhar and others 1963 II LJ 371 is with respect, on a different point. There the witnesses were not examined but their statements recorded earlier were read over and asked to be cross-examined. The copies of statements were also not supplied earlier (well in advance). Here in this case before me the statements are recorded in the presence of the delinquents and allowed to be cross-examined. In the other decision in the case between Divkaran and Circle Inspector of Police Munnar and others 1963 I LJ 342 the same is the position.

15. I may also point out that the complaint is that copies of Exh. MHU & I. were not given. The defence counsel made a request only for examination of these documents and that he was allowed to do. Neither copies were asked for nor request for adjournment to postpone cross-examination made.

16. The case of the management was that these two delinquent employees were caught red handed while they were in the act of pilfering the property of the Corporation. The driver sent back the vehicle and one of the cleaners who accompanied vehicle did not inform after this incident any one and the Depot Superintendent came to know about it through the Police. Both of them remained absent on the following day of the incident on the pretext that they were not well and on this point the management adduced necessary material before the Enquiry Officer. According to the management the standard of proof required in the domestic enquiry is not the same as is required to prove the charge in a Criminal Court. The Enquiry Officer after recording the evidence concluded that they were proved guilty and made a report to the Competent Authority. It was found acceptable to the Competent Authority and on the basis of which the orders came to be passed. That enquiry was conducted fairly and giving the delinquents reasonable opportunity to defend themselves and in fact it is not disputed that they were in any way not free to defend themselves and bring before the Enquiry Officer such material as they desired. Delinquent's subsequent conduct was also taken note of and their statements were also considered and after doing all this exercise the Enquiry Officer recorded his findings. In my opinion there is nothing that would go to vitiate the enquiry and therefore the challenge to the orders will have to be rejected.

R. G. SINDHAKAR, Presiding Officer

ANNEXURE-II

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.

Reference No. CGIT-11 of 1987

PARTIES :

Employers in relation to the management of M/s. Hindustan Petroleum Corporation Limited, Bombay.

AND

Their workmen.

APPEARANCES :

For the Management : S/Shri Rele and Pota, Advocates.
For the Workman : Ms. Shobha Gopal, Advocate.
STATE : Maharashtra.

Mumbai, dated the 4th day of September, 1996

2349 GI/96—5

AWARD (Part-II)

The two workmen viz. Shri J. G. Gandhi and Shri D. B. Shaste were discharged from service by the management of Hindustan Petroleum Corporation Ltd. after holding a due domestic enquiry.

2. The workmen raised an industrial dispute through the Petroleum Employees Union, Bombay. On conciliation having failed, the appropriate Government referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of M/s. Hindustan Petroleum Corporation Limited in relation to its Depot at Pune in discharging from employment S/Shri J. G. Gandhi, Driver and D. B. Saste, Cleaner, w.e.f. 22-8-84 is justified? If not, what relief the workmen concerned are entitled to?"

3. The union filed its statement of claim on 11-5-87. The management filed its reply on 12-5-87. The management filed its additional reply on documents on 23-6-87. After taking some adjournments, the union filed affidavit of the workman on 25-1-89. Again after taking many adjournments, the union filed two affidavits on 21-9-89. Workmen Gandhi and Saste were cross-examined on 7-2-90. After taking some dates affidavit of one more witness was filed by the union on 24-7-90. The witness was cross-examined that very day. The union closed its case on the preliminary issue regarding legality, propriety and fairness of the domestic enquiry. The management examined one witness MW1 Mulla and closed its case. The case was adjourned for arguments on the preliminary issue from 5-12-90 till 14-7-93 on different dates. Eventually, award part-I was passed on 25-10-94 and it was held that the domestic enquiry held against the workmen was fair, legal and proper.

4. Now, the questions that survive for decision are—

(i) Whether the finding of guilt recorded against the two workmen is sustainable on acceptable evidence, to the satisfaction of this Tribunal?

(ii) Whether the punishment meted out to the workmen is just and proper?

5. I have heard the learned counsel for the parties at length. At the outset, I will like to state that standard of proof required in domestic enquiries is not of the same high order as in criminal cases. The charges are not required to be proved beyond shadow of reasonable doubt. It would suffice if on the preponderance of probabilities, the charges are adequately established by acceptable evidence (Kindly see 1982 I LJ 54 (58)] Shri J. D. Jain's case.

6. Now, I may indicate the charges that the management has sought to establish against the two workmen. Shri J. G. Gandhi was employed as a Driver by the management at all relevant periods. Shri D. B. Shaste was employed as a Cleaner at all relevant periods. On 05-7-1983, the two workmen were deputed on Tank Truck No. MT 3566 to deliver 4 KL MS to Kirad Service Station vide invoice No. 515 dated 5-7-83 and 4 KL MS and 4 KL HSD to Ladkat Brothers vide invoice No. 516 of 7-5-83. The tank truck was loaded by the helper Shri Saste under supervision of Driver Shri J. G. Gandhi as per directions of Supervisor Shri M. V. Chitnis at the Depot. The tank truck left the depot of the management at 13.10 hrs. with both workmen on duty on the said truck tank alongwith one Salim Khan. They reached Kirad Service Station and unloaded Motor Spirit from compartment No. 3 of the tank truck at the said service station and after obtaining signatures on the relevant invoice left the said service station at 13.50 hrs. The two workmen, then instead of proceeding to M/s. Ladkat Brothers, went to High way Petroleum Centre, 2 Sholapur Road, which was quite off the route leading to Ladkat Brothers. At the said Highway Petroleum Centre, the two workmen decanted 30 litres of petrol in two containers belonging to the said petroleum centre, with the aid of the attendant at the said Petroleum Centre by name Nilin Uttam Mirnagar. This petrol was removed from compartment No. 3 of tank truck. The two workmen were caught red handed in this process by Police at about

at 10 p.m. and the Police took the two containers in its possession and prepared a Panchnama. Thereafter, Police allowed the two workmen to proceed to Ladtat Brothers, where they eventually offloaded the 4 KL MS and 4 KL HSD as per invoice meant for them. After offloading the truck, Mr. Gandhi instead of bringing back the tank truck to the Depot, got down on the way and handed over the tanker truck to Salim Khan aforesaid. Thereafter, Mr. Gandhi did not report back at the Depot but instead sent a medical certificate the next day with a messenger. Mr. Gandhi did not report the incident which had taken place at the Petroleum Centre. The company came to know of the incident only the next day, when police informed about it.

7. The case of the management is that the two workmen made a short supply of M.S. to Kirad Service Station, which accepted the same without protest as it had full faith in the proper delivery of M.S. to them. The shortage was discovered later on when the dealer took a dip to measure the supply after the two workmen had left. He reported the matter of short supply to the depot.

8. Upon such charges, the management averred that the two workmen indulged in grave acts of dishonesty and hence were punished by way of discharge from service.

9. The two workmen filed joint explanation wherein short supply of M.S. to Kirad Service Station was denied. It was admitted that after delivery to Kirad Service Station, the duo did not straight away go to Ladtat Brothers but took a detour because of some procession known as Palkhi on the highway. The fact that police checked the duo on the petrol pump was also admitted but the plea taken was "I fail to understand as to why police have shown 30 litres of quantity in the Panchnama". It was stated that in 3rd tank only 4 or 5 litres of petrol had been left and that was due to mistake in valve adjustment. Gandhi admitted that he did get down from the truck and went away, as that day happened to be his marriage anniversary. It was not denied that tank truck had been handed over to Salim Khan and no report of the incident was made that day. It was pleaded that Gandhi became ill next day due to Kidney trouble.

10. At the domestic enquiry, the two workmen were represented by their union representative Shri R. D. Kamble. Witnesses R. V. Rege, Prabhakar Ladkar, S. S. Kirad, H. Daruwalla, Nitin Mirpaghar and Salim Khan were examined to prove the charges. Some documentary evidence including a Panchnama was produced in evidence. Both the workmen examined themselves in defences.

11. The gist of the evidence of Mr. Rege is that on 05-7-83 T.T. MTD 3566 left the depot at 13.00 hrs. for making following deliveries :

- (i) 4 KL MS to M/s. Kirad SS vide invoice No. 0515.
- (ii) 4 KL MS & 4 KL HSD to M/s. Ladtat Bros. vide invoice No. 0516.

Shri J. G. Gandhi was the driver on the T.T. while D. B. Saste was the helper. Casual mechanic Salim Khan requested the Depot Manager Shri Chitnis to allow him to accompany the T.T. to enable him to get back the Stenney bracket of the T.T. where it had been given for welding. He was permitted to accompany the truck. This part of the prosecution case is not disputed by the workmen. Further testimony of Mr. Rege is to be effect that T.T. did not return till 13.50 hrs. with the result that the Depot Supervisor rang up M/s. Kirad Service Station and was informed by the attendant that the T.T. did

reach the said station and left their station at 13.50 hrs. after decanting 4 KL MS. On Ladtat Brothers being rang up repeatedly, it was informed that T.T. had not reached there till 16.50 hrs. Since neither Gandhi nor Sashte rang up the depot to tell the officers, what had detained them, Mr. Rege got worried. The T.T. returned to the depot at 18.15 hrs. as per notations made by the security staff. Next day Gandhi did not report for duty but Sashte did report and on enquiries stated that the truck got delayed due to airlock and Salim Khan repaired the same. He also informed Rege that since no telephone was available nearby, he and Gandhi could not inform Rege about this.

Shri Rege went on to state that on 7-7-83, Shri S. G. Dator, Sub Inspector of Police Anti Gunda Branch, called upon G. S. Dulal, Assistant Regional Manager (Operation). This witness was present at this meeting. Mr. Dator informed that T.T. driver Gandhi and helper Salim Khan were caught red handed at Solapur Road Petrol Pump with one Mirpaghar while unlawfully removing 30 litres of M.S. from the T.T. on 5-7-83 and a Panchnama Ex. Q had been prepared in this regard. This witness recounted that on 7-7-83 Salim Khan came to the depot and informed about this incident vide Ex. H. Mr. Rege proved some other documents. During the cross examination of this witness, nothing was elicited which may go to discredit the testimony of the witness. Only suggestion given to him was that Panchnama was not correct and the two workmen had signed the same under pressure. That the police did prepare the Panchnama was not contested.

12. Now, this Panchnama Q is a material document and deserves to be reproduced in extenso. It reads as follows :

"Panchnama Date 5-7-83

- (1) Sudhir Ambarnath Hirave, age 30, business, residing at 234, Mahatma Gandhi Road, Camp—Pune-1.
- (2) Kundan Yeshwant Raut, age 23, Rikshaw Driver, residing at 415, Somwar Peth, Pune-2.

We presented ourselves, as called by the Sub Inspector of Traffic Control Branch and Crime Branch Pune, to Mamhadevi Chowk. We were told that Tanker No. MTD 3566 of HPC was waiting at 2, Sholapur Road at the Highway Petroleum Centre for illegal removal of Petrol. So we were asked to go to the spot and present report after viewing the situation. The Panchnama made by us is as under :

When we, Panchas, and the Police arrived at the Highway Petroleum Centre we found that the cabin of the Petrol

Pump faces the south and there is a service station just beside it. Tanker No. MTD 3566 was standing facing the east, just in front of this service station. The yellow tanker had HP written as it. When we and police arrived we say that 3 men were taking out some liquid from the outlet valve on the left side of tanker with the help of a funnel, into a can. Immediately, we stopped this and asked them their names and addresses. The driver told that his name is Jethalal Girdharilal Gandhi, residing at C/8, 4 Pimpri Colony, Pune and Cleaner told his name as Dnyanu Baben Saste residing at & P.O. Moshi, Taluka Hareli, Dist. Pune and the Petrol Pump Servant told his name as Nitin Uttam Mirpagar, residing at 480, Vanavadi Village, Pune. When we asked them as to what they were doing they told us that they were selling the remaining Petrol from compartment No. 3 at a rate of Rs. 4 per litre to the servant from the Petrol pump. There was yellow plastic can and one tin can, both filled with petrol, near the tank truck. Since this sale was illegal the police took the yellow can with 20 litres petrol and the tin can with 10 litres petrol i.e. a total of 30 litres of petrol approximately, worth Rs. 195.60. The police put tight caps on the yellow plastic can and tin can and put paper labels bearing our signatures and sealed them with lac and finally confiscated the two cans. When 1st and 2nd compartments in the tanker having diesel and petrol respectively were checked by dip, it was found that each had 4000 litres.

This Panchanama has been done by us—Panchas—by remaining present personally and after seeing the act personally starting Panchnama at 3.30 p.m. and completing at 4.00 p.m.

In present of :

(Sd/-) in English.
Inspector—Traffic
Control Branch &
Crime Branch.

True copy taken from
original by
(Sd/-) English—
Police No. 2008.

The above Panchnama
written by S.T.M.
Panch.

- (1) (Sd/-) In English—
Sudhir Ambarnath
Hirave,
(2) (Sd/-) In English—
Kundan Yeshwant Raut."

13. The first objection of the learned counsel for the two workmen is that though the workmen did sign the Panchnama, the department has not examined the Police Inspector, who prepared the Panchnama as also the Panch witnesses, who attested the Panchnama. Learned counsel for the management submits that the enquiry officer had no authority over the Police Officer or over the Panchas and hence whatever evidence could be amenable to the jurisdiction of the Enquiry Officer have been produced. I have considered the rival contentions and I am of the view that no adverse inference can be drawn against the management for non production of the author and attesting witnesses of the Panchnama, which was admittedly prepared and signed by the two workmen.

14. Now, the Panchnama specifically recites that the two workmen had admitted that they were selling the remaining petrol from compartment No. 3 at a rate of Rs. 4 per litre to the servant from the petrol pump. It also recites that there were two cans, both filled of petrol. One can was yellow in colour and had 20 litres of Petrol in it. The other can had 10 litres of petrol. The police seized the two cans and sealed that.

15. Now, the management examined Salim Khan, who had admittedly accompanied the two workmen on the T.T. He has stated that :

"We went to Kirad Ser. Station and unloaded the product. I was in the truck. After that we left for Highway Petroleum Centre, 2 Sholapur Road, Pune-1. I was sitting in the truck. After the Police came, I got down and saw that products had been removed. Filled cans after sealing were put into the service station. I was also made to sit in the Sales Room alongwith JGG, DBS & Nitin and Panchnama was made. Thereafter we went to Ladkat Brothers for delivery. Thereafter JGG brought the vehicle till West Cinema & handed over the vehicle to me to reach the same to the Depot. I brought the vehicle and left it at the depot around 6.00 p.m."

The witness has thus confirmed the seizure of Petrol in two cans by the Police. He had also confirmed the preparation of the Panchnama of the spot. Of course, the witness did not identify the two cans at the domestic enquiry. He also admitted that he kept sitting in the T.T. and did not himself see the petrol being drained out. He has not put the theory that the two workmen were forced to sign Panchnama.

16. Nitin Mirpagar is the next witness who stated to the effect that the two workmen brought the truck to the Service Station asked him for Spanner, which he gave to the filter who was with them. One valve of the empty compartment was dripping product & so Nitin took an empty 5 litre tin and

asked JGG whether he could take the product which was dripping. JGG replied that he could do so. He removed about 2½ litres of MS from that compartment which was all that could be drained. Immediately the Police raided the spot and asked Nitin to move aside. They also asked him who was the driver & the cleaner which were identified to the Police by Nitin. Nitin then asked the Police whether he could phone the dealer but was not allowed to do so. He was also allowed to receive any incoming calls over the telephone. Nitin asked his colleague Shaikh to give a ring to the dealer from outside. After some time the dealer arrived when Nitin alongwith JGG & DBS were still sitting in the Sales Room & the Police were also present. Panchnama was made by the Police and Nitin was asked to sign. The document on which signature was taken by the Police was not read out to Nitin. The Police checked the truck by climbing over the truck & found everything okay."

This witness has not wholly supported the prosecution story but has admitted that he did drain out about 2½ litres of petrol from the T.T. with the consent of JGG."

In cross examination, he reiterated that he had opened the valve and the product gushed out and meanwhile the Police raided. It would be worthwhile to recall here that this witness was an accomplice of the two workmen and he has tried to distort the version given in the Panchnama. However, this fact stand established that he did, with consent of Gandhi and in presence of Saste, remove petrol from T.T. His statement, so far as it is in derogation of the recitals in the Panchnama, is not reliable and appears to be an attempt, not only in self exculpation but also partially exculpatory of the two workmen and to what extent his statement is unreliable.

17. The testimony of other witnesses is not very much germane to the charge against the two workmen. For example, Mr. Prabhakar Ladkat had received a load of petrol on the fateful day and there was no shortage. Now, it is not the case of the management that petrol had been drained out from the chamber, meant for delivery to Ladkat Brothers. Shri S. S. Kirad is the next witness, who has tried to show that after the T.T. had left his petrol pump, the storage tank was checked by making dips and there was a shortage of 74 litres of petrol. He also tried to suggest that whenever Gandhi brought the T.T. there was usual short delivery. To my mind, this evidence is not of any assistance to either side. Likewise, the evidence of Mr. H. Daruwala, which itself is based on enquiries made for Nitin Mirpagar, is not of much assistance.

18. Learned counsel for the workmen urged that as per statement of Kirad, his Petrol pump received the consignment and the invoice had been signed in this regard, which would show that there was, in fact no short delivery at his petrol pump and

when it is so, there would have been no petrol in the 3rd chamber of the T.T. which could have been sold to Nitin. The argument is quite attractive but in view of the positive recitals in the Panchnama, is of no avail.

19. Now, Mr. Gandhi has admitted in his statement that Nitin had asked him if he could take out whatever was left in the T.T. and at that he assented. The question and answer in this regard are reproduced below :

"MR : When you got down from the truck, did you see someone removing petrol from your truck and what action did you take.

JGG : Yes, the attendant named Nitin was there.

MR : You allowed him to remove the product in your presence.

JGG : No—the compartment was empty & he asked me whether I could take out whatever was possible.

MR : Is this the practice everytime.

JGG : No.

MR : If this is not the practice, why did you allow him.

JGG : Because he made a request."

This statement, though self exculpatory, to a large extent, highly probalises the version of the management, as recited in the Panchnama.

20. Saste has feigned his ignorance about the entire episode but has admitted that he did put his signatures on the Panchnama which was prepared on the spot.

21. Ms. Shobha Gopal urged with vehemence that it is surprising that even though the Police did prepare a Panchnama and are said to have seized the petrol removed from the tanker in two cans, yet no chargesheet was filed against the two workmen and this fact should persuade the Tribunal to infer that the entire story, as recited in the Panchnama is concocted and is a result of some deeply hatched conspiracy against the two workmen. However, she has not been able to point out as to why a Police Officer and Panch witnesses, wholly unrelated to the two workmen and wholly unrelated to the management would have gone to the extent of preparing the Panchnama and seizing the two cans full of petrol. Hence, this argument is not based on any cogent reasoning and deserves to be rejected. Moreover why Police did or did not file a challan is not very material, because the management could have no control over the police.

22. Hence, taking an overall view of the matter. I agree with the management that the two workmen did allow removal of 30 litres of petrol and the same was sold to Nitin Mirpagar, without any

authority to do so. In my opinion, the charge has been established satisfactorily on the basis of evidence adduced before the Enquiry Officer.

23. The punishment meted out to the workmen in the circumstances of the case is quite first and proper. They were entrusted with the property of the company in the capacity of its servants. They have committed breach of trust reposed in them and thus have forfeited a right to continue in service of the company.

24. I, therefore, do not find any substance in the claim of the two workmen and reject the same. Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 18 सितम्बर, 1996

का. शा. 2895 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मंसूर वी. सी. सी. एल. की बलिहारी कोलियरी के प्रबंधन के संबंध निरोजको और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नं०-2, धनाबद के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 17-9-96 को प्राप्त हुआ था।

[संख्याएँ.—20012/(972)/92—आईआर (कोल—1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 18th September, 1996

S.O. 2895.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Belihari Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 17-9-96.

[No. L-20012/972/92-IR (Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.
In the matter of the industrial dispute under
Section 10(1)(d) of the I. D. Act, 1947
Reference No. 26 of 1993

PARTIES :

Employers in relation to the management of
Balihari Colliery of M/s. B.C.C.L. and
their workmen.

APPEARANCES :

On behalf of the workman—Shri S. Bose,
Secretary, R.C.M.S.

On behalf of the employers—Shri H. Nath,
Advocate.

STATE : Bihar INDUSTRY : Coal
Dhanbad, the 9th September, 1996

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/972/92-I.R. (Coal-1), dated, the 23rd February, 1993.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh for regularisation of the workmen (as per annexure) on the role of Balihari Colliery of M/s. B.C.C. Ltd., and payment to them of wages as per N.C.W.A. is justified? If so, to what relief the workmen are entitled?"

ANNEXURE

1. Digambar Paswan
2. Daroga Singh
3. Suchanand Mahato
4. Ambrish Singh
5. Rajbhavan Singh
6. Dhup Singh
7. Chetu Pd. Mahto
8. Basawan Prasad
9. Basudeo Mahto (Bada)
10. Manoj Kumar Satapathy
11. Anil Mahato
12. Satyanand Singh
13. Haidar Ali
14. Sadhu Charan Mahto
15. Maluk Mahto
16. Shambhu Manjhi
17. Manohar Manjhi
18. Ashok Kr. Mandol
19. Mahendra Singh
20. Basudeo Mahto (Chotta)

2. In order to adjudicate the terms of reference as stated above let me state the case of the parties in nutshell.

3. In the W.S. filed by the workmen it is stated that the concerned workman Dighambar Paswan and 19 others named in the annexure

have been working at Balihari Colliery in order to discharge the job of drivage of coal, roof dressing of the coal, drivage gallery in jhama and stone with compressor, side dressing in coal, drain cutting in stone, carrying heavy materials and stores, and lowering of rails and miscellaneous engineering jobs, which are permanent and perennial in nature and some of them are also prohibited category of job.

4. They have been working since 1987 and continuing till date of filing W.S. Initially they used to work under dummy contractor Mr. D. Singh by name and towards the last part of 1989 they were removed by the said contractor and on approach to the management in negotiation with them they started working forming a cooperative under the name and style Pragatisheel Sahayog Samity being headed by Dara Singh as gang leader and the management started providing job from the first quarter of 1990 regularly.

5. They used to discharge the job as stated above under the direct control and supervision and guidance of the company's men and the implements such as Cap Lamp and other necessary tools for doing the work were being supplied by the management and their attendance were also recorded in the Form C Register maintained by the company and thus for all purposes they were the staff of the company and all of them completed work for more than 240 days in a calendar year being paid by the company. In spite of their good services they were not regularised on prayer though the Government of India prohibited the engagement of contract labour specially in prohibited category of jobs and also under the rules of NCWA-III and IV.

6. In spite of demand from the end of the cooperative society to the management of BCCL they were not regularised nor they were accepted to be the employees of BCCL.

7. So they pray for an Award directing the management to regularise the said workers in roll of the company.

8. In the W.S.-cum-rejoinder the employer management have stated already a dispute was raised by the Secretary RCMS Balihari colliery vide letter dated 25-3-91 before the ALC (C) Dhanbad for regularisation of the present workmen as cooperative contractual labours and the same type of job were also alleged to be performed by them but the ALC (C) considering the letter of the workmen and the management took up the matter for consideration but in that letter all the names of the present workmen were not mentioned and ultimately the case was closed from which the present reference has arisen.

9. It is the case of the management that one cooperative society under the name and style M/s. Pragatisheel Shayog Samity having registration No. 6/Dnn/1980 into existency and work was awarded to the said samity as and what required in terms of the settlement dated 24-7-90 but no such work which falls within prohibited category under contract labour was given to them.

10. The work was actually supervised by the authorised representative of the samity and nothing was done from the side of management except the supervision which are required to be done under the provision of the Mines Act and rules and regulation for the safety of the persons employed therein. Also a register of accompany known as Form C registered does not any right as because the names of all person who visit the Mines in the underground and noted for the safety and as per rules.

11. The present management is a public sector undertaking and thereby they are to observe the formalities in the matter of increase sub side to reservation as promulgated by the Government and to support their contention they have relied upon several decisions contending that the said decisions have discouraged the entry of worker in this manner holding the same to be unconstitutional.

12. Actually the concerned workmen are bogus workers who were never employed at any point of time by the management and their claim is baseless unjustified and this is an attempt from the side of the sponsoring union to bring some jobs seekers into the picture creating burden upon the shoulder of the management.

13. The management has already surplus staff and there is no question of further recruitment and thereby the prayer for regularisation cannot be considered or allowed.

14. In the rejoinder the case of the W.S. have been denied parawise and has stated further that the concerned workmen were never employed in any prohibited category of job or in permanent and perennial nature of job and the register does not create any right nor they have attended 190 days of attendance as claimed and so the principles enunciated favouring them do now come into play and their case should be dismissed.

15. In the instant case I am to consider the following points :—

(1) Whether there is relationship of employer and employee between the concerned workmen and the management of BCCL ?

(2) Whether they have worked and completed 190 days of attendance as claimed and their job was of permanent and perennial nature and

(3) Whether they are entitled to be regularised as claimed and what relief they are entitled to?

16. In order to decide the said points I am to consider the oral evidence as well as documentary evidence brought on record in course of trial along with legal position available on those points.

17. From the side of the workmen three witnesses have been examined and they are Digambar Paswan, Basudeo Mahato and Badri Alam Khan and similarly from the side of the management two witnesses namely S/Shri B. N. Jha and Raj Kumar Dutta have been examined.

18. The evidence of the workmen are practically of the same tune and according to them they used to work in Balihari colliery since 1987 and their Haiira was recorded by the Attendance Clerk and they completed attendance of 190 days in a calendar year and they used to perform the jobs which are of permanent and perennial in nature. Initially they used to work under the contractor and then they formed a cooperative through which they used to discharge the same duties and used to get the payment of wages from the management. They are entitled to get the job being regularised considering the nature of job to be permanent and perennial in nature.

19. The management witness B. N. Jha has admitted the working of the concerned workmen in Balihari colliery through contractors since 1989 atleast when he was working there and he has also admitted the cooperative society under the banner of Pragatishil Shramik Sahavog Samity and the performance of the workers by these the said Sahavog Samity. It is admitted and after verification of their work and observing the formalities for checking up their work bills were prepared for their work in the name of leader and cheques were handed over to them through the team leader in case of their employment and when required. He has denied that they used to work actually continuously. He has admitted the supervision of the work of the said persons by the management people but it is stated that supervision is not as an employer but for the purpose of safety device. In cross-examination it is admitted that the concerned workmen were seen to perform the job of the area management and he has also admitted that he saw the concerned workmen after formation of the Pragatishil Sahavog Samity and since 1995 they are not working. It is stated by them that in

the work order details of the work to be performed were written and their work and supervision and measurement were done by the men of the management and he also used to visit the underground for supervisions of the job of the concerned workmen and the bills were prepared after their works on measurement and payment was made to the contractor leader and as per law they are entered into the underground and recorded in the Form C register which is done generally in all cases. Of course he is not aware whether the payment was made to the individual workers nor he is in know whether payment was made to the cooperative Bank for such individual person. MW12 R. K. Dutta had admitted the existence of cooperative society under the banner of Pragatishil Sahavog Samity but he has stated that the job was for 10 days to 15 days and those were not of permanent nature of job and there is no relationship of master and servant between the concerned workman and the management and actually the payment was made to the contractor and the claim of the concerned workman is not justified. In cross examination he has stated that he is not aware whether the concerned workmen ever worker in Blihari colliery and according to him the person who supervised the work is the competent person to tell what type of job they performed but he has accepted the pay sheet under the signature of the Welfare Officer through whom the payment was made to the concerned workmen.

20. After careful consideration of the oral evidence and the documentary evidence brought before me it cannot be ignored the case of the concerned workmen that they started working in Balihari colliery for the purpose of stone cutting, dressing of coal, preparation of drivage of coal in the underground since 1987.

21. Though in the W.S. the management did not feel shy to state that the concerned workmen never worked in the colliery but the witnesses examined on their behalf in corse of trial constrained to admit that the concerned workmen were found in the colliery though without admitting the manner as stated by the concerned workmen.

22. In view of such palpable false statement in writing from the side of the management I cannot disbelieve the statement of these workmen though they performed the work of menial nature and they are lower in grade of service in comparison of the officers who even deny their existence in toto in writing. I can not but comment that this type of W.S. stating such palpable false story in the Written Statement appears to be the beneath of the dignity of the officer who did not hesitate to tell a lie for the management in order to defeat the claim of the poor workmen.

23. Therefore it is held that the concerned workmen have been working since 1987 till 1995 initially under the contractor then under the co-operative society under the banner of Pragatishil Sahayog Samity.

24. Now the question is whether they are actually the workers of the contractor or it is the tactics of the management to defeat the claim of the actual workers in the camouflage of a dummy contractor so that at the lower grade they achieve more work.

25. In this premises the management has raised upon a decision of the Dinanath's Case and the workmen have relied upon the decision reported in 1995 Lab. I.C. page 2207 Supreme Court (Gujrat Electricity Board, Thermal Power Station, Ukai, Appellant versus Hind Mazdoor Sabha and others Respondents). In this judgement Hon'ble Supreme Court has practically dealt with all the previous judgements including the case of Dinanath which is the sheet anchor of the management to defeat the case of the concerned workmen.

26. Their Lordships very specifically distinguished the said point in issue by observing that if they are the contractor labours obviously the Tribunal have no jurisdiction to deal with those cases and that power vests with the Government but the Tribunal can get its access if the work appears to be permanent one and the appointment of the contractor is nothing but a camouflage one which is found on various occasions. In para-11 of the said judgement Their Lordships have opined that the decisions referred to in the said cases in an unambiguous terms lay down that after coming into operation of the I.D. Act the authority to abolish the contract labour is in the hand of the appropriate Government for taking appropriate decisions under Section 10 of the Act but this only applies when the contract is genuine one but if the contract appears to be sham for a camouflage to hide the reality then the Court or the Industrial adjudicator gets jurisdiction to entertain the dispute and grant necessary relief and that view was taken relying upon a decision reported in AIR 1960 Supreme Court page 948.

27. In the said case several conclusions were drawn in which it was observed that if the alleged contract is found to be sham and not genuine then the dispute comes within the meaning of Section 2(k) of the I.D. Act and when the contract labour system is abolished the employees come directly under the principle employer and can claim for their regularisation and the guidelines were given in this judgement how the matter would be disposed off.

28. In the instant case there is no doubt the payments were made through the pay sheets and

works were supervised by the men of the management for whichever purpose it is and they are performing the job which are of permanent nature though it is not admitted as because from the job description it will be clear that cutting of stone etc. is a job of permanent nature and under the prohibited category and also it is of perennial in nature and in that case the number of days actually worked because immaterial in view of the decision reported in SCLJ Vol. 5 page 3474 and 3476 (Jaswant Sugar Mills Ltd. Meerut and Badri Prasad). In that case Their Lordships have decided that the definition of the permanent workman is not that he should be employed throughout the year and the only element which is required that he was engaged for a permanent nature of job and that job lasts throughout the year and in view of such decision it is unjust to think that they should not be considered to be regularised even if it is accepted for the sake of argument that they did not perform the job continuously when the job itself performed by them were of permanent and perennial in nature.

29. The learned Advocate for the management referred to Section 18 of the Mines Act pointing out the duty and responsibilities of the owners, Agents, and Manager to see the safety points and relied upon the judgment of Dinanath's case reported in (1992) - SCC 695 (Dinanath v-National Fertilizer Ltd. where this type of case has been decided in favour of the management. Also reference has been made to the cases reported in 1992 Lab I.C. page 854, 1993 Lab I.C. Page 835 stating that this type of employment is against the principles laid down in Article 14 and 16 of the Constitution. But I respectfully refer the case law reported in 1995 Lab I.C. page 2207 where all these points have been discussed giving the appropriate guideline and after following the principles laid down therein I am of the opinion that the concerned workman are the employees of BCCL and they have employer and employee relationship between them and they should be regularised considering their nature of job irrespective of tenure even.

30. Last point which was urged by the learned Advocate for the management is that it is a stale claim and he has relied upon several decisions. With due respect to the learned Advocate I cannot but say that in view of the evidence of MW-1 that they worked even after 1990 forming the cooperative society under the banner of Pragatishil Sahayog Samity but they did not work since 1995. So they worked atleast upto 1994 vide page-2 of the evidence of MW-1 and in no way the claim can be considered to be the stale claim

when the case is of 1993 and thereby all the points are decided in favour of the workmen. Incidentally it may be referred to that in similar nature of case in Ref. No. 312/86 the claim of the workmen was accepted by the Tribunal and that also fortify my decision when it is not before me that the said Award was reversed in any manner. Accordingly it is concluded that the demand of the RCMS Union for regularisation of the workmen as per annexure on the roll of Balihari colliery of M/s. BCCL Ltd. and payment to them wages as per NCWA is justified. However, as right now not before me, there is any material to confirm about the vacancies and when the workmen also did not produce such I pass the Award in the following manner.

The management of BCCL is directed to regularise the concerned workmen as per annexure of the reference as permanent employee as per NCWA in Cat. I within three months from the date of publication of this Award with the wages and other amenities to which they are entitled to. But no back wages is given nor it is claimed. No cost is awarded also to either of the parties. Thus the reference is disposed of and this is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 25 सितम्बर, 1996

का. आ. 2896 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 45-अ के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा क्षेत्रीय निदेशक, उप निदेशक और सहायक क्षेत्रीय निदेशक, कर्मचारी राज्य बीमा निगम क्षेत्रीय कार्यालय, गोवा को पहली अक्टूबर, 1996 से उक्त अधिनियम के उपबंधों के अधीन शामिल सभी कारखानों/प्रतिष्ठानों के संबंध में गोवा राज्य में उक्त अधिनियम की धारा 45-ग से 45-ज के प्रयोजनों के लिए "प्राधिकृत अधिकारी" के रूप में प्राधिकृत करती है।

[सं. एस-38025/26/96-एस. एस. 1]

जे० पी० शुक्ला, अवर सचिव

New Delhi, the 25th September, 1996

S.O. 2896.—In exercise of the powers conferred by clause (a) of Section 45-I of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby authorises the Regional Director, Deputy Director and Assistant Regional Director, Employees' State Insurance Corporation, Regional Office, Goa to be "Authorised Officers" for the purposes of Section 45-C to 45-H of the said Act with effect from the 1st October, 1996 for the State of Goa in relation to all factories/establishments covered under the provisions of the said Act.

[No. S-38025/26/96-SS. I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 25 सितम्बर, 1996

का. आ. 2897 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 45-अ के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उप निदेशक, कर्मचारी राज्य बीमा निगम, क्षेत्रीय कार्यालय गोवा को पहली अक्टूबर, 1996 से उक्त अधिनियम के उपबंधों के अधीन शामिल सभी कारखानों/प्रतिष्ठानों के सम्बन्ध में गोवा राज्य में उक्त अधिनियम की धारा 45-ग से 45-ज के प्रयोजनों के लिए वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

[सं. एस-38025/26/95-एस. एस.-1]

जे० पी० शुक्ला, अवर सचिव

New Delhi, the 25th September, 1996

S.O. 2897.—In exercise of the powers conferred by Clause (b) of Section 45-I of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby authorises the Deputy Director, Employees' State Insurance Corporation, Regional Office, Goa to exercise the powers of Recovery Officer for the purpose of Section 45-C to 45-H of the said Act with effect from the 1st October, 1996 for the State of Goa in relation to all factories/establishments covered under the provisions of the said Act.

[No. S-38025/26/96-SS. II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 30 सितम्बर, 1996

का०आ० 2898.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा 16-10-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76) की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध हरियाणा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्र. सं.	राजस्व ग्राम	हदबस्त संख्या	जिला
1.	डबुआ	8	फरीदाबाद
2.	सारण	9	फरीदाबाद
3.	बड़बल	6	फरीदाबाद
4.	वाजरी	11	फरीदाबाद
5.	भांकरी	12	फरीदाबाद
6.	बमेलवा	125	फरीदाबाद

[संख्या एस-38013/18/96-एस. एस.-I]

जे० पी० शुक्ला, अवर सचिव

New Delhi, the 30th September, 1996

नई दिल्ली, 27 सितम्बर, 1996

S.O. 2898.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th October, 1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Haryana namely :—

Sl. No.	Revenue Village	Had Bast No.	District
1.	Dabua	8	Faridabad
2.	Saran	9	Faridabad
3.	Badkhal	6	Faridabad
4.	Bajri	11	Faridabad
5.	Bhankri	12	Faridabad
6.	Baselva	125	Faridabad

[No. S-38013/18/96-SS. I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 26 सितम्बर, 1996

का. आ. 2899:—केन्द्रीय सरकार, भवन और अन्य संनिर्माण कर्मकार कल्याण उपकर अधिनियम, 1996 (1996 का 28) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं. का. आ. 1767, तारीख 17 मई, 1996 को अधिक्रान्त करते हुए, भवन और अन्य संनिर्माण कर्मकार (नियोजन तथा सेवा शर्त विनियमन) अधिनियम, 1996 (1966 का 27) के प्रयोजनों के लिए किसी नियोजक द्वारा उपगत संनिर्माण की लागत के 1 प्रतिशत की दर से उपकर विनिर्दिष्ट करती है।

[फा. सं. एस-61011/9/95-आर. डब्ल्यू. (भाग)]

डी. के. त्रेहन, श्रम और नियोजन सलाहकार

New Delhi, the 26th September, 1996

S.O. 2899.—In exercise of powers conferred by sub-section (1) of section 3 of the Building and Other Construction Workers' Welfare Cess Act, 1996 (28 of 1996) and in supersession of the notification of the Government of India in the Ministry of Labour No. S. O. 1762 dated the 17th May, 1996, the Central Government specifies a cess for the purposes of the Building and Other Construction Workers (Regulation of Employment and Other Conditions of Service) Act, 1996 (27 of 1996), at the rate of 1 per cent, of the cost of construction incurred by an employer.

[F. No. S-61011/9/95-RW(Part)]

D. K. TREHAN, Labour & Employment Adviser

का. आ. 2900 :—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (व) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 1253 दिनांक 3 अप्रैल 1996 द्वारा यूरेनियम उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 30 अप्रैल, 1996 के छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (व) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 30 अक्टूबर, 1996 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस.-11017/10/85-डी. 1 (ए)]

एच. सी. गुप्ता, अवसर मन्त्रि

New Delhi, the 27th September, 1996

S.O. 2900.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of Clause (n) Section 2 of the Industrial Disputes Act, 1947 (14 of 1947) declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1253 dated 3rd April, 1996, Uranium Industry to be Public Utility Service for the purposes of the said act for a period of six months from 30th April, 1996.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the Proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a Public Utility Service for the purpose of the said Act, for a further period of six months from 30th October, 1996.

[No. S-11017/10/85-DI(A)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 10 सितम्बर, 1996

का.आ. 2901:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंध तन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-8-96 को प्राप्त हुआ।

[सं. एल-12012/129/89-डी-IIए/आई.आर.वी. 2]

सनातन, अनुभाग अधिकारी

New Delhi, the 10th September, 1996

S.O. 2901.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Central Bank of India and their workman, which was received by the Central Government on the 27-8-1996.

[No. L-12012|129|89-DIIA|IR(B-II)]

SANATAN, Section Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 285 of 1989

In the matter of dispute between :

Hari Krishna Gupta,
S/o Ram Niwas,
G-32, New Agra.

AND

Regional Manager,
Central Bank of India,
C/o Bhairo Bazar Belanganj,
Agra.

APPEARANCE :

Harishanker Goel for the workman.

None for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012|129|89-D2(A) dt. 7-11-89 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the Management of Central Bank of India in discharging from service Sri Hari Krishna Gupta was justified? If not to what relief is the workman entitled?

2. The concerned workman was working as clerk in the Mathura Branch of opposite party Central Bank of India. During the course of his service he is alleged to have committed certain acts of misconduct in respect of which he was served with the chargesheet (annexed as annexure I). Domestic enquiry was held in due course. After completing inquiry the enquiry officer submitted his report on 11-6-87 by which both the charges were found to

be proved. After issuing show cause notice the concerned workman was discharged from service on the first count and censure entry was recorded on the second count.

3. Thereafter the concerned workman raised the instant industrial dispute in which, inter alia, he had challenged the fairness and propriety of domestic inquiry which fact was denied by the opposite party bank. A preliminary issue on this point was framed but it was held that domestic inquiry was fair and proper vide finding recorded on 13-6-96, the copy of enquiry report shall form part of this award as annexure II. Thereafter, both the parties were heard on the question of punishment. The authorised representative of the concerned workman has pleaded for lesser punishment. In my opinion, the misconduct of financial irregularity in bank is a grave one, involving loss of confidence. In such a case meting out of punishment less than discharge will be inadequate. It is also not disproportionate to the gravity of misconduct.

4. Hence, I am of the opinion that there is no error in awarding the punishment. Hence it is held that discharge of the concerned workman was justified and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

COPY

CENTRAL BANK OF INDIA
DIVISIONAL OFFICE, AGRA

(Hindi)

CHARGE SHEET

May 17th 1978

The explanation dated 24-4-78 submitted by Mr. Hari Krishna Gupta Clerk of our Civil Lines (Agra) office in reply to our Memo No. DMO|S-BNM|78|313A, dated 20-4-78 has not been found to be satisfactory. It has, therefore, been decided to hold a departmental enquiry into the following charges of his acts of omission and commission.

- (1) That there are reports that Mr. Hari Krishna Gupta has not been attending customers properly at our Civil Lines Branch and he is advising them to go the Branch Manager in respect of any sort of information they require from him in connection with their accounts and other Banking transactions. He has further displayed a notice on the HSF counter opposite to his seat which reads as under :—

“कृपया समस्त पूछताछ ब्रांच मैनेजर से कीजियेगा धन्यवाद”

Obviously it is an implied request to our customers to approach the Branch Manager for each

and everything without disturbing him. As an employee of our Bank it is his primary duty to give prompt and courteous service to our customers and attend to their complaints. In case any customer is not satisfied or convinced with his reply then he may request him/her to meet the Branch Manager for further clarification/help if needed. He must also ensure prompt removal of the difficulties which may be experienced by our customers and is expected to deal with their complaints and requests expeditiously on the spot. By displaying such a notice on his own accord opposite to his seat, Mr. Hari Krishna Gupta has failed to show proper consideration, courtesy and attention towards our customers.

- (2) Further on 17-4-78, Mr. Hari Krishna Gupta made some wrong enquiries in the HSS Pass Book of St. Francis School and on being asked by the Branch Manager to meet him in person in this connection that too for three times repeatedly he refused to comply with his request. As a result of this, the Branch Manager had to call for the HSS ledger to his cabin and he corrected the mistake by himself in the Pass Book and handed over the same to the depositor viz., Mother Superior of St. Francis School. For this insubordination on his part a memo was issued by the Branch Manager on 17-4-78 to Mr. Hari Krishna Gupta which was returned by him after having read the same. All these events took place in the presence of the following gentlemen viz., Messrs S. D. Gautam, Divisional Manager, Jabalpur; V. N. Lalla, Retired Chief Internal Auditor and N. K. Ahuja, Internal Auditor, who was auditing our Civil Lines Branch then.

The aforesaid lapses on the part of Mr. Hari Krishna Gupta viz., wilful incourteous service to Bank's customers, disobedience and insubordination are of serious nature and he has attempted to tarnish the good image of the institution which he professes to serve. Mr. Hari Krishna Gupta has also been trying to divert our Bank deposits to other institutions which is highly reprehensible and he is continuing the practice of redirecting the customers to the Branch Manager for each and every thing still. For the above acts of misconduct on the part of Mr. Hari Krishna Gupta which amounts to minor/gross misconduct as defined in para 19.5 (e) and 19.7(j), a departmental enquiry will be held against him. Pending completion of the enquiry Mr. Hari Krishna Gupta is hereby placed under suspension from immediate effect Mr. Hari Krishna Gupta shall be paid subsistence

allowance during the period of suspension as under :—

- (1) For the first three months one third of the pay and allowance which he would have got but for suspension.
- (2) One half of the pay and allowance for the succeeding months until the departmental enquiry against him is over.

Mr. Hari Krishna Gupta should note to stay at Agra during the period of suspension and be available as and when he is called for. He should not leave the headquarters without obtaining prior permission.

The enquiry against Mr. Hari Krishna Gupta will be held by Shri P. N. Sharma, Divisional Manager, Central Bank of India, Varanasi as Enquiry Officer. The date, time and venue of the enquiry will be communicated by the Enquiry Officer in due course. Mr. Hari Krishna Gupta will be allowed to defend himself or if he so desires be represented by a representative of a registered union of Bank employees of which he is a member as provided under para 19.12(a) of the Bipartite Settlement. At the enquiry he should keep ready with him all oral or documentary evidence which he may wish to tender or produce and he will also be allowed to cross examine the Management's witness. If he fails to present himself at the enquiry on the date fixed and from adjournment to adjournment thereafter the enquiry will be proceeded with ex parte and the findings of the Enquiry Officer will be binding on him.

Mr. Gupta is required to return three copies of this charge-sheet duly acknowledged by him.
Mr. Hari Krishna Gupta,
Clerk,

Central Bank of India,
Civil Lines (Agra).

M. R. LEKHI, Divisional Manager

Industrial Dispute 285 of 1989

Order on preliminary issue :

Whether the domestic inquiry was not conducted fairly and properly ?

Hari Krishna Gupta, the concerned workman was working as clerk in the Mathura Branch of the opposite party Central Bank of India. He was issued a memo dated 21-12-84 to show cause regarding riotous and unruly behaviour and coming late in the Bank. After receipt of his explanation a chargesheet was issued to him on 1-9-85, the copy of which is annexed herewith.

A. P. Arora Dy. Chief Officer Zonal Office, Lucknow was appointed as enquiry officer. R. C.

Chandra was appointed as Presenting Officer where as one P. N. Misra was appointed as defence representative.

On behalf of the management M. S. Sarin, M.W.1, B. D. Gupta, M.W. 2, D. B. Vashishta M.W. 3 and R. D. Rajan M.W. 4 were examined besides 24 documents were also filed.

The enquiry officer fixed 8 dates of hearing between 27-9-86 to 2-4-87. The concerned workman each time failed to put in appearance and went on sending applications one after other making uncalled for demand. The enquiry officer hence concluded ex parte proceedings against the concerned workman and submitted his report on 11-6-87 holding that both the charges were proved. The disciplinary authority agreeing with this report has ordered for discharge on the first count and censure for the second count. Feeling aggrieved by this order the concerned workman has raised the instant industrial dispute. Inter alia it has been alleged that the inquiry was not fairly and properly conducted which fact was denied by the management in the reply. Hence the above mentioned preliminary issue was framed.

I have gone through the inquiry proceedings and finding of the inquiry officer.

I propose to take up the objections of the authorised representative of the concerned workman against inquiry report one by one.

It is alleged that the chargesheet has been issued by R. D. Ranjan, Branch Manager which he had no authority to do. This contention is contrary to the facts. I have gone through the chargesheet which go to show that it has been issued by Regional Manager and not by the Branch Manager. Instead the Branch Manager had issued the memo which had proceeded framing of chargesheet. Hence this contention has no force.

The other contention is that chargesheet is actually dated 22-11-84 whereas the enquiry officer has held inquiry on chargesheet dated 1-2-85. This contention is once again based on the erroneous understanding of the concerned workman. Perhaps there is confusion in the mind of the concerned workman regarding issuance of memo and chargesheet. Both are not the same. It is quite clear from perusal of chargesheet that it is dated 1-2-85 hence inquiry officer has committed no illegality in proceeding to hold inquiry on the basis of above chargesheet dated 1-2-85.

The third contention of authorised representative is that no intimation was given to the concerned workman about appointment of enquiry officer, even if it is it will not vitiate the inquiry as after appointment as enquiry officer Arora had issued notice to the concerned workman who in turn had

responded it. If the concerned workman had any doubt it was open to him to have come to the inquiry officer to verify the correctness of appointment as enquiry officer. Hence this lapse if at all will not vitiate the inquiry.

In the next place my attention is drawn towards the suspension order which is dated 21-12-84. While placing the concerned workman under suspension the concerned workman has been directed not to enter the bank premises except operating his account in the branch. On the basis of this direction an argument have been built that as the concerned workman was forbidden from entry in the bank premises he did not go to attend the inquiry. This contention is devoid of any force. When the enquiry officer had directed the concerned workman to appear in the inquiry it would mean a permission to the concerned workman to enter in bank's premises for the purposes of participating in the inquiry. Hence this could not be a ground for not participating in the enquiry by the concerned workman. According this contention is overruled.

Lastly it was submitted that assistance of a lawyer was not provided to the concerned workman. The inquiry proceedings revealed that no such prayer was ever made before the enquiry officer. However in the claim statement this plea has been raised. I have gone through the provisions of para 19.12 of Bipartite Settlement which inter alia enable the management to grant permission to a workman to defend himself through a lawyer. In other words the charged person can have benefit of a lawyer in a domestic inquiry with the permission of the bank. Thus it does not confer an absolute right upon the workman to get the assistance of a lawyer in every inquiry. In my opinion only in matters attracting interpretation of law or understanding of complicated question of facts, the assistance of lawyer should be provided to a workman in inquiry. The instant case is a plain case of riotous behaviour and coming late which do not contain complicated question of law and facts. In my opinion, in such case there was no need for lawyer's assistance. Accordingly this contention is overruled. No other point has been pressed.

Otherwise I have gone through the inquiry proceedings and find that enquiry officer had adopted fair attitude during the course of inquiry. He had informed the charged person of every date but the concerned workman had failed to avail of the opportunity. In these circumstances an ex parte inquiry is concluded because of absence of charged person, it be a valid inquiry and cannot be said to be suffering from any legal infirmity.

In view of above it is held that inquiry fairly and properly held.

Case to come for hearing on the point of quantum of punishment on 8-8-96. Issue notices to the parties.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का.ग्रा. 2902.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-96 को प्राप्त हुआ।

[सं. एल-12012/118/88/डी-IIए/आई.आर.बी.-2]
सनातन, डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2902.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on the 16-9-96.

[No. L-12012/118/88-D. IIA/IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 175 of 1988

In the matter of dispute between :

Shri Ram Kishor
C/o V. N. Sehkhri
26/10 Birhana Road, Kanpur

AND

Regional Manager,
Punjab National Bank,
The Mall, Kanpur.

APPEARANCE :

Shri S. Kapoor for the Management
Shri V. P. Srivastava for the workman.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification No. L-12012/118/88-D-II (A) dated 2-12-88 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Punjab National (erthwhile) Hindustan Commercial

Bank Ltd. in terminating the services of Shri Ram Kishor and not considering him for further employment while recruiting fresh hand under Sec. 25F of the I.D. Act is justified ? If not to what relief is the workman entitled ?

2. It is not necessary to give details of the case as parties have filed compromise dated 22-8-96 before me, by virtue of which the claim has been finally settled.

3. The above mentioned reference is decided and relief is awarded to the concerned workman in terms of this settlement, which shall form part of the award.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का.ग्रा. 2903.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया अश्योरेन्स कं. लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-96 को प्राप्त हुआ।

[सं. एल-17012/11/91-आई. आर. बी. -2]
सनातन, डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2903.—In pursuance of Section II of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New India Assurance Co. Ltd. and their workman, which was received by the Central Government on the 16-9-96.

(No. L-17012/11/91-D-IIA/IR(B-II))
SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B.K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 99 of 1991

In the matter of dispute between :

D. S. Pauniya
C/o Sri Surender Singh
2/236, Namneir,
Agra.

AND

Divisional Manager,
New India Assurance Company Limited,
15/60 Civil Lines, Kanpur.

APPEARANCE :

Sri Surrender Singh for the workman.

Sardar Amreek Singh for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-17012/11/91-IRB-2 dt. 25-6-91, has referred the following dispute for adjudication to this Tribunal —

Whether Regional Manager, The New India Assurance Co. Limited, New Delhi, was justified in removing Sri D. S. Poonia s/o Arjun Singh from service w.e.f. 4-7-89. If not what relief the workman was entitled?

2. The concerned workman D. S. Poonia was working as Junior Inspector with the opposite party M/s New India Assurance Company Limited. On 15-2-88, he was served with the following chargesheet —

1. Mr. D. S. Poonia is charged for issuing following cover notes collected the premiums thereof in cash but the same has not been deposited with the company and thus misappropriated the company's funds —

(a) Covernote No. 686808 dt. 19-4-85 covering Ford Tractor Engr. No. 076329 and chassis No. 076999 and collected premium of Rs. 899/- in cash from Mr. Satish Chander Agarwal.

(b) Covernote No. 946107 dt. 20-5-87 covering Tractor No. URR 6285 and collected premium of Rs. 694/- in cash from Mr. Satish Chander Agrawal s/o Sri Basantlal R/o Mat Road Raya District Mathura.

(c) Covernote No. 151746 dated 2-6-87 covering scooter no. DBO 6711 to Miss Manju and collected Rs. 448/- in cash.

2. Mr. D. S. Poonia is charged for willful insubordination & disobedience of the lawful and reasonable orders given to him by his superiors. Mr. D. S. Poonia has not given a/c of the following covernotes issued to him by the branch inspite of repeated reminders last being Mathura Branch dated 9-10-87.

The concerned workman submitted his reply. One Tulsi Dass was appointed as enquiry officer. Dr. S.C. Mukherji was the presenting officer whereas the concerned workman was represented by Mr. R.N. Rawat. During the course of enquiry T. N. Vasani branch manager Sri Satish Chandra Agrawal and Bhagwati Prasad complainants were examined. One Veer Bahadur Singh was examined on behalf of the concerned workman. Besides the management had relied upon documentary evidence. On a consideration of above evidence, the enquiry officer submitted his report on 20-2-88 holding that all the charges were duly proved. On the basis of this report, the concerned workman had been removed from service by order dt. 4-7-89.

3. Aggrieved by this order, the concerned workman had raised the instant industrial dispute. In his statement of claim, the concerned workman has, inter alia, challenged the validity of enquiry on the ground that he was not afforded opportunity to cross examine the witnesses, that he was not allowed to adduce evidence, that the charges were not read over, when the case was open and that the case was also not summed up it was closed.

4. The opposite party had maintained that enquiry was fairly and properly held. It was further alleged that the aforesaid charges are based on truth. This tribunal vide finding recorded on 28-9-85 had held that enquiry was vitiated inasmuch, as concerned workman was not afforded full opportunity to adduce evidence in defence. Hence the same was set aside and the management was afforded opportunity to prove the misconduct on merits.

5. Subsequently the management once again examined Tilak Raj Vasani M.W. 1 who has simply stated that whatever is written in chargesheet is correct. Further he has proved ext. M-5 the show cause notice. The other facts were not proved. To be precise the three cover notes which are the subject matter of chargesheet have neither been filed nor proved. There is no evidence about insubordination at all, as the same does not find place in the statement of Tilak Raj Vasani. Hence, in my opinion the case of criminal misappropriation of money has not been proved at all. Simply swearing that the allegations of the chargesheet are correct is not sufficient evidence. In this context the evidence of concerned workman D. S. Poonia WW1 denying the averments is enough. In the end my conclusion is that the charges are not proved for want of evidence as explained above. Consequently the punishment based on these charges is also not justified.

6. Accordingly my award is that the order of removal of service of the concerned workman w.e.f. 4-7-89 is bad in law and he will be entitled for reinstatement with back wages at the rate at which he had drawn his salary for the last time. He shall also get Rs. 100/- as cost of the case.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 सितम्बर, 1996

का.आ. 2904 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनारा बैंक के प्रबंधन के संबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-96 को प्राप्त हुआ।

[संख्या एल-12012/220/90/आई.आर.बी.-2]

मनातन, डेस्क अधिकारी

New Delhi, the 23rd September, 1996

S.O. 2904 — In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Central Government Industrial Tribunal, KANPUR as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CANARA BANK and their workman, which was received by the Central Government on the 17-9-1996.

[No. L-12012/220/90-IR (B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 213 of 1990.

In the matter of dispute between :

Jawahar Singh, 85/357 Govind Nagar, Aligarh.

And

Deputy General Manager, Canara Bank, D. G.
M. Office, Lucknow.

AWARD

1. Central Government, Ministry of Labour vide its notification No. L-12012/220/90-IR, B-II, dated 19-10-1990 has referred the following dispute for adjudication to this Tribunal :—

Whether the Deputy General Manager Canara Bank was justified in Voluntary retiring Shri Jawahar Singh clerk Hathras Branch w.e.f. 8-12-1988 is justified? If not, to what relief the concerned workman is entitled?

2. The concerned workman Jawahar Singh was working as clerk with the opposite party Canara Bank w.e.f. 9-8-1976. Earlier the concerned workman was posted in Aligarh Branch subsequently he was transferred to Hathras Branch. There he remained absent from 25-4-1987 to 14-8-1987. Invoking the provisions of para 16 of IV Bipartite Settlement, the management gave a notice on 3-10-1988 informing the concerned workman that he had been absent from duty without any leave application for more than 90 days and consequently requiring him to report on duty within 30 days. The concerned workman did not apply, hence by order dated 5-1-1989 he was informed that his voluntary retirement had taken place w.e.f. 8-12-1988. The concerned workman made a request on 6-5-1981 for reinstatement, but the same was refused. Hereupon the concerned workman raised the present industrial dispute.

3. In the claim statement he has alleged that his transfer order from Aligarh to Hathras was invalid as he has given option for six places but he was not accommodated anywhere. Instead he was transferred to Hathras from Aligarh by way of vindictiveness because one Sikh had assassinated the then Prime Minister Smt. Indira Gandhi. The concerned workman also happened to be a Scheduled Caste Sikh, hence he was victimised. It is further alleged that

concerned workman was indebted to the bank. In this regard suit was filed in Bangalore and in consequence of that he has not been paid wages since August, 1986. Further he was falsely implicated in a case of theft of Rs. 10,000/-. Due to this financial difficulty and harrasing attitude of the management he fell ill and remained on leave from 25-4-1987 to 14-8-1987. The notice dated 3-10-1988 is bad in law as this provisions of bipartite settlement is held to be void by Hon'ble Supreme Court. In any case he is bound by the terms of this para as it is not in his knowledge. Hence legally there could be no voluntary cessation of work.

4. The opposite party bank has also filed written statement in which it has been alleged that settlement has arrived between the Union of the concerned workman and the management, hence the concerned workman is bound by it. It is denied that this provision has been declared void by any competent court. The concerned workman remained absent from duty without any leave application, hence after giving show cause notice order for voluntary cessation of work was passed.

5. In all the concerned workman filed Ext. W. 1 to W. 26 out of which only relevant papers will be referred to. Besides he has filed his affidavit and has further been cross examined. In rebuttal the management has examined H. M. Gautam M. W. 1.

6. As has been discussed the concerned workman has raised a number of issues which are outside the perview of reference and cannot be looked into because of bar of sec. 10(4) of I. D. Act. Hence the question whether the transfer of the concerned workman from Aligarh to Hathras and withholding pay and false alteration of Rs. 10,000/- on the person of the concerned workman are not being considered.

7. The only point which needs consideration is about the validity of para 16 of IV Bipartite Settlement and as to whether the management has properly invoked the same.

8. The concerned workman has referred to F. R. 18 of Central Government which also envisages a case of voluntary cessation of work. It has been laid down under this provision that when a person remains absent for more than 5 years without any authorised leave it will be deemed that there has been voluntary cessation of work. It was held that without issuing show cause notice the provisions of this F. R. could not be invoked. No case law has been filed before me to substantiate this contention. Instead some extract from some commentary has been filed in which there is reference to the case of State of Assam versus Akshaya Kumar Dey 1975 SCC (L&S) 295 in which it was held that provision could not be invoked without affording an opportunity to show cause. This does not mean that this provision is void. In any case, the provisions of para 16 of IV Bipartite Settlement are analogous to that of provision of F. R. 18 as in clause in clause 16 itself there is provision for issuing show cause notice and affording opportunity to the concerned

workman. Hence my finding is that this provision is not void. As admittedly the concerned workman is member of the Union with which the management had arrived at agreement resulting in IV Bipartite Settlement. I am also of the view that the concerned workman is bound by its terms.

9. Now it will be seen if the management has properly invoked the provisions of para 16 of IV Bipartite Settlement. There are ext. W-5 to W-7 which are letter dated 25-11-1987, 24-9-1987 and 29-1-1988 written by management bank to the concerned workman to furnish medical certificate along with the leave application. In its absence he will be treated as absent without application. As the concerned workman himself has filed these papers it is obvious that he was served with this notice. Indeed the concerned workman in his cross examination has also admitted this fact and has further admitted that he did not sent any reply. Thus it is held that concerned workman had moved application for leave without medical certificate and which was not furnished inspite of demand. Hence it will be deemed that there were no application for leave. Hence the absence of the concerned workman between 25-4-1987 to 14-8-1987 was absence from duty without any leave.

10. There is ext. W. 9 a letter dated 24-9-1987 sent by the management to the concerned workman giving another opportunity to apply for leave according to law but the same was not complied with. Ultimately Ext. W-16 an order was issued on 5-1-1989 requiring the concerned workman to join within 30 days from the receipt of order otherwise it will be deemed that there has been voluntary cessation of work. The concerned workman in his cross examination has admitted that such order was issued to him. He has further admitted that in compliance of this letter he went to join but he was disallowed. In my opinion, this explanation is afterthought as it has not been pleaded in claim statement. Further had there been any truth in this version he would atonce informed the higher authorities in writing. In this regard I accept the evidence of H. M. Gautam. Hence my finding is that the concerned workman has failed to comply with this notice dated 29-1-1988 by failing to join within 30 days of the receipt of notice. Hence the management was clearly within its right to invoke the provisions of para 16 of IV Bipartite Settlement and thereby treating that there has been voluntary cessation on the part of the concerned workman.

11. Hence, my award is that the action of the Dy. General Manager of Canara Bank was justified in voluntary retiring the concerned workman w.e.f. 8-12-1987. Consequently he is not entitled for any reliefs.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 23 सितम्बर, 1996

का.आ. 2905.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध में निम्नलिखित कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में 2349 GI, 96—7.

केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-96 को प्राप्त हुआ।

[संख्या: एन-12012/429/88/डी-II/ए/आई.प्र.र.बी.2]

मनातन, डेस्क अधिकारी

New Delhi, the 23rd September, 1996

S.O. 2905.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on the 17-9-96.

[No. L-12012/429/88-D. IIA/IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 185 of 1988

In the matter of dispute

BETWEEN :

Sri G. K. Verma

Mahamastri Akhil Bhartiya Allahabad Bank Employees Association,
C/o Allahabad Bank Shyam Ganj, Bareilly

AND

Assistant General Manager,
Allahabad Bank Zonal Office,
Swarup Nagar,
Kanpur.

APPEARANCE :

Sri M. K. Verma for the management with
Sh. A. K. Nagar, Lalita Prasad for the
Union.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-12012/429/88-D.2(A) dated 20-12-88 has referred the following dispute for adjudication to this Tribunal —

Whether the action of the management of Allahabad Bank in not reckoning the date of appointment of Sri Ganga Prasad Gupta as 10-8-76 in pursuance of Chapter XX(ii) clause 20.8 of Bipartite Settlement is justified? If not, to what relief is the workman entitled?

2. The case of the concerned workman Ganga Prasad Gupta is that he joined the services on 31-5-76 on a permanent post in the temporary capacity as clerk with the opposite party Allahabad Bank. Later on he appeared in recruitment test and was duly elected. He joined in that capacity on 14-1-78 at Kalpi Branch.

Para 20.8 of First bipartite Settlement reads as under —

A temporary workman may also be appointed to fill a permanent vacancy provided that such temporary appointment shall not exceed a period of three months during which the bank shall make arrangement for filling up the vacancy permanently. If such a temporary workman is eventually selected for filling the vacancy, the period of such temporary employment will be taken in to account as part of his probationary period.

It is alleged that as he has worked on a permanent vacant post by virtue of temporary appointment for more than three months he is entitled for relating back of his services w.e.f. 31-5-76 in the light of above para.

3. The opposite party has filed alleging that the concerned workman had not worked on a permanent post in temporary capacity for more than three months at any place. Instead he was asked to do work of various branches the details of which have been given in para 3 of the written statement for few days. Thus as the concerned workman had not worked in any permanent vacancy he is not entitled for benefit of para 20.8 of Ist Bipartite Settlement and consequent predating from the date of initial appointment.

4. In the rejoinder the earlier Facts alleged in the claim statement have been reiterated. None of the parties have adduced any evidence. However, the bank has given the details of working duly attested by the concerned authority.

5. A careful perusal of first bipartite settlement indicates that for availing benefit of this provision the award staff ought to have been employed in a permanent vacancy temporarily. In this case the bank has specifically denied it and further has given the details for which concerned workman worked had at different branches.

6. In my opinion, concerned workman ought to have adduced evidence to prove that at one place he had worked on a permanent vacancy. In the absence of evidence on this point I have no hesitation in holding that the concerned workman has not worked in any permanent vacancy and consequently the provisions of above mentioned para would not be attracted. Hence my award is that the concerned workman is not entitled for predating of his date of appointment from 31-5-76 for want of proof that he had worked on a permanent post. Hence he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 सितम्बर, 1996

का.आ. 2906.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, 2, मुंबई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-96 को प्राप्त हुआ।

[सं. एल-12012/112/81/डी-IIए/आई.आर.बी.-2]
सनातन, डेस्क अधिकारी

New Delhi, the 23rd September, 1996

S.O. 2906. In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, 2 Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on the 17-9-1996.

[No. L-12012/112/81-D. IIA/IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

SHRI S. B. PANSE

PRESIDING OFFICER

REFERENCE NO. CGIT-218 OF 1992.

EMPLOYERS IN RELATION TO THE MANAGEMENT OF BANK OF MAHARASHTRA

AND

THEIR WORKMEN

APPEARANCES :

For the Management : Shri V.P. Sintre Advocate.

For the Workmen : Shri M.S. Udeshi Advocate.

MUMBAI, dated 28th August, 1996

AWARD—PART-I

The Government of India, Ministry of Labour, by its order No. L-12012/112/81-DII(A) dated 17-2-92 had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Bank of Maharashtra in dismissing Shri A. G. Sinkar from the services of the

Bank is justified? If not, what relief the workman is entitled to?"

2. A. G. Sinkar, joined the services of the Bank on 1-2-1963, as a clerk on probation. After completion of probation of six months he was confirmed. Thereafter he served at different places. At the relevant time in July, 1977 he was attached to the Somwar Peth Branch, Pune.

3. The employer that is the Bank of Maharashtra is an industry within the meaning of Section 2G and 2J of the Industrial Disputes Act of 1947.

4. On 29-4-78 the workman was served with a show cause notice signed by the Divisional Manager where by fourteen allegations were mentioned against him. He was called upon to give a say in the matter. On 11-5-78 the workman wrote a letter to the Divisional Manager requesting him to furnish the copies of the fourteen Ledger Folios of the Savings Banks Accounts with the said bank to enable him to submit his explanation to the said show cause notice. But the request was not complied with.

5. On 30-5-78, the workman was chargesheeted on fourteen charges and it was mentioned that the allegations are independently and severely acts of gross misconduct under para 19.5(j) of the Bipartite Settlement of 1996, and also of minor misconduct under paragraph 19.7(i) of the Bipartite settlement and those acts are prejudicial to the interest of the bank and thus had created a gross misconduct under para 19.5(j) of the Bipartite Settlement.

6. The worker pleaded that the domestic inquiry was commenced on 8-9-78 and was concluded on 17-1-79. The inquiry officer concluded the inquiry on 27-1-79 and submitted this report on 12/15-3-79. He came to the conclusion that the charges levelled against him are proved.

7. The workman averred that the domestic inquiry which was held against him was against the Principles of Natural Justice for several reasons. He was not allowed to represent it through an advocate even though the inquiry officer and presenting officer were legally trained. It is submitted that he was not provided with the documents on which the management relied. It is pleaded that the inquiry report was not given to him. It is submitted that the Appellate Authority was not competent to hear the appeal as it took part in the inquiry. It is pleaded that he was not given personal hearing at the time of hearing of the appeal. It is asserted that the fourteen customers on the basis of whose complaint the chargesheet was issued were not examined by the bank nor they were offered for cross examination to the worker. It is submitted that even though the list of witness was given the material witnesses were not examined. It is averred that

the worker deposited Rs. 5,675 as asked for and the bank accepted the amount and adjusted the accounts. It is therefore the bank is not entitled to take any action in the matter. It is submitted that the bank did not follow the procedure contemplated in clause 19 of the Bipartite settlement.

8. The worker submitted that even if it is said that the charges are proved the extreme punishment of dismissal is not justified. In the facts and circumstances of the case mainly for the reasons amongst other reasons that no pecuniary loss has caused either to the bank or the customer. It is averred that the worker had unblemished record and the Tribunal may consider his case under Section 11A of the Industrial Disputes Act of 1947. It is averred that for all these reasons the worker may be reinstated in service from the date of his suspension i.e. from 1-6-78, and his dismissal order w.e.f. 7-7-79 be set aside. It is further prayed that he may be reinstated in service with full back wages and all other consequential benefits.

9. The management resisted the claim by the written statement Exhibit 3. It is asserted that the domestic inquiry which was held against the workman was as per the principles of natural justice. It is contended that the grounds on which it is alleged that the domestic inquiry is against the principles of natural justice are incorrect and it has no merit. It is pleaded that the worker himself clearly and voluntarily in unequivocal terms admitted by the misconduct by his letters dated 31-10-77, 16-2-78, 27-2-78 and 6-3-78. Infact it was not necessary for the management to hold a domestic inquiry after receiving those letters. But to avoid any controversy regarding denial of opportunity inquiry was held against him. It is asserted that whole procedure contemplated under the Bipartite settlement was followed while holding a domestic inquiry.

10. The bank pleaded that if the Tribunal comes to the conclusions that the inquiry held against the workman was not legal and proper then it may be given an opportunity to adduce evidence in support of the charges levelled against him and justify his dismissal. It is pleaded that the inquiry officer found the workman guilty of all the charges. It is averred that the disciplinary authority considered the case and awarded the punishment. It is averred that the punishment is legal and proper and it is wrong to say that it is disproportionate to the charges proved. It is submitted that for all these reasons the reference may be dismissed without any reliefs to the workman.

11. The worker filed a rejoinder at Ex.-6 and reiterated the contentions which he had taken in the statement of claim.

12. My Learned Predecessor framed issues at Exh.b't-4. The issue Nos. 1, 1A & 2 are treated to be preliminary issues. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether the inquiry held against the workman Shri A.G. Sinkar was not held properly and the rules of natural justice were not followed?	Yes.
1A. Whether the findings of the inquiry officer are perverse?	Yes.
2. Whether the Appellate authority was not competent to hear the appeal and whether he had a bias view against the workman?	No.

REASONS

13. Anil Gopal Sinkar (Exhibit-16) lead evidence for himself. He relied upon the documents and other applications on the record to corroborate his case. As against that nobody entered into the witness box to lead evidence on behalf of the management. It only relied on the documents on the record.

14. The worker gave an application Ex-8 requesting the Tribunal to direct the management to produce the documents as shown in the Annexures—1, 2 & 3. On 15-9-94 the Tribunal passed an order and directed the management to produce the documents as shown in Annexure 1 & 3 and give inspection of the documents as shown in Annexure-2. Again there was an application by the worker that as per the directions dated 15-9-94 the bank had not allowed inspection. It is therefore again a request was made to show the documents. On 24-1-1995 again an order was passed specifying the particular date showing the documents to the workman. It appears that on that date those documents were shown to the workman. Later on the management filed an application (Exhib.t-14) on 19-9-95 requesting the Tribunal to review the order in respect of giving copies to the worker in respect of Annexure-1. Annexure-1 consist of documents filed by the bank before the inquiry proceedings which were exhibited. Those documents are basis for the dismissal order passed against the worker. The Tribunal did not review its order and the application was rejected. So far as Annexure-3 is concerned it was produced on the record alongwith Exhibit-20 i.e. pages 86—99 of the inquiry proceedings.

15. When the matter was being heard Mr. Udeshi the Learned Advocate for the workman pointed out that the documents which are filed by the management, that is the bank are not legible. Therefore, the bank may be directed to file the legible documents. Mr. Sintre, the Learned Advocate for the bank accepted that the documents are not legible and informed the Tribunal that those documents will be produced. Thereafter the bank gave an application Exhibit-32. On 4-4-96 i.e. on the same date an order was passed that the copies be handed over to the advocate/worker in time otherwise it will be presumed that they are not relying upon the documents which are produced on the record and then the matter was adjourned for arguments. The fact remain that the copies of the documents as shown in Exhibit-33 were not supplied to the workman. In view of the order dated 4-6-96 it has to be said that those documents are not before the Tribunal for relying upon it and for coming to any conclusion. In other words from the proceedings which I have narrated above the management for one reason on the other could not supply the copies of the documents on which they relied, to the worker.

16. It is not in dispute that Sinkar was working as a clerk at Somwarpeth Branch at the relevant time. He was suspended for the alleged charges and later on a domestic inquiry was conducted against him. It continued between 8-7-78/21-1-79. One Karnik was the inquiry officer. A. T. Halgi-kar, was the presenting officer for the bank. The worker represented the case for himself. In the statement of claim several contentions are taken in respect of the domestic inquiry and alleged that it is against the principles of natural justice.

17. Sinkar in his evidence affirmed that he was not supplied with the copies as shown Annex-1 at the time of domestic inquiry. In the cross-examination he admits that except giving of the copies he was given full opportunity to defend his case. Therefore it is argued on behalf of the worker that the domestic inquiry is against the principles of Natural Justice. Mr. Sintre, the Learned Advocate for the bank in his lucid argument submitted that from the cross-examination of the witnesses of the bank before the domestic inquiry it reveals the documents were available to the worker and he cross-examined the witnesses, that he did not ask for any adjournments for cross-examination for non-supply of copies, that itself goes to show that he was not put to any prejudice. I am not inclined to accept this argument. The reasons being that the charges which were levelled against the workman were for major misconduct. In the beginning of the inquiry as per the procedure the witness list and the documents on which the management wants to rely had to be given to the concerned delinquent. In this case admittedly

no copies of those documents were given to him. It cannot be forgotten that he workman was himself representing the case. Therefore, it would have been more proper and necessary for the inquiry officer to supply the copies of those documents in advance to the worker to represent his case properly. That definitely caused prejudice to him. It can be further seen that as soon as he received the show cause notice in respect of 14 allegations against him he immediately wrote a letter to the bank and requested for furnishing all copies of the fourteen Ledger folios of the savings bank account in respect of which the charges were framed against him. But at that time they were not supplied. The argument behind this was that the worker was aware in respect of the contents thereon. Therefore it was not necessary. I am not inclined to accept this argument because this is without any merit. It is common knowledge that when the management wants to rely upon the particular documents in the domestic inquiry its copy has to be given to the other side. There was no reason for the management for non supply of those copies to him. It can be further seen that here before the Tribunal also the relevant documents which the worker asked for were not produced. That is against the principles of Natural Justice and vitiates the inquiry.

18. In the statement of claim the plea is taken that the inquiry is against the principles of Natural Justice because the inquiry officer and the presenting officer were legally trained persons. As against that the worker is not. So far as this position is concerned there is no evidence. In the charge-sheet dated 30-5-78 (Exhibit-22|1) it is categorically mentioned that the worker if choses is permitted to be defended by the representative of the registered trade union of the bank employees of which he is a member but it appears that the worker had decided to represent his case himself. It is not the case of the worker that even though he asked for engagement of a representative of the union or a legal practitioner his requests were rejected. I therefore do not find any merit in the said ground.

19. It is tried to argue on behalf of the worker that the 14 persons who gave a complaint to the bank on which basis the inquiry started were not produced as the witness. But the complaints were taken on record and exhibited. It is argued on behalf of the bank that no doubt that they received an intimation to major misconducts of the worker by these applicants but they have issued charge-sheet to the workman on the basis of the verification of the ledger folios and the scratching, adding and making different entries therein. According to the Learned Advocate for the bank there is no need to examine those complaints in the case. I find merit in it. It is not the case that on the basis of the complaints alone the inquiry is vitiated.

20. One of the contention of the worker was that Kolhatkar and Garade the material witnesses were not examined by the bank even though they were shown as the witnesses in the witness list and only Haldule was examined by the management. It is well settled law that it is the choice of the management to examine the witnesses. If really the worker wanted these witnesses to be examined he could have examined them on his own behalf. He was not prevented by the inquiry officer for doing so. Under such circumstances I do not find any merit in the said submission.

21. It is tried to argue on behalf of the worker that he deposited Rs. 5,675 as directed by the bank. On its basis the payment were made to those different persons. The entries were corrected. The officers initialled it. That itself goes to show that now there should not be any inquiry against him, as the bank was not put to any monetary loss. I am not inclined to accept this argument. Depositing the amount by the worker does not mean that he is exonerated from the misconduct which he is alleged to have done. It is the immediate action which the bank wanted to take.

22. In the statement of claim it is contended that the disciplinary authority to whom the inquiry officer forwarded this report without forwarding the copy thereof to the workman accepted the findings of the inquiry officer and acted upon them on the basis of such acceptance and going concerned with the view of the inquiry officer that the workman was guilty and proposed the severest punishment of dismissal. In the written statement (Exhibit-3) in paragraph-11 the bank has stated that it is not necessary to give copy of the findings of the inquiry officer to the workman. It denied that it was obligatory on the part of the disciplinary authority to give reasonable opportunity to the workman after furnishing him with the copy of inquiry officer and the said findings. In other words it is not in dispute that the inquiry report along-with its findings was not given to the worker. Sinker in his oral evidence had not referred to it. But the fact remains as stated above.

23. The Supreme Court in the Director FCI Hyderabad & Ors. 1993, Supreme Court cases (L&S) 1184 observed that "since the denial of the report of the inquiry officer is a denial of a reasonable opportunity and a breach of the principles of Natural Justice. It follows that the statutory rules if any which denied the report to the employee are against the principles of Natural Justice and therefore invalid. The delinquent employee will therefore be entitled to a copy of the report even if the statutory rules do not permit the furnishing of the report or are silent on the subject. It is further observed that since it is right of the employee to have a report to defend himself effectively and

he would not know in advance the report is in his favour or against him. It will not be proper to construe his failure to ask for the report as the waiver of his right. Therefore whether the employee asked for the report or not the report has to be furnished to him. In latter part of the Judgement Their Lordships have observed that "non-supply of the report to the delinquent vitiates the proceedings. Here in this case as stated above as the inquiry report was not given to the worker, the inquiry is vitiated.

24. Mr. Shintre, the Learned Advocate for the bank argued that even if it is said that the documents are not produced on the record it does not effect the merits of the case. According to him in the cross-examination of the witness of the management the sufficient record has come on the record to prove the charges against the workman. He invited my attention to the relevant paragraphs of the examination of Haldule, the witness for the management. After perusal of those paragraphs which appears on pages, 9, 11, 12, 13, 32, 50 of Ex-22 of Vol. II I am not inclined to accept this proposition. It is because there is a reference to the documents and the tribunal had to consider the testimony of the witness referring to those documents which is not a simple oral evidence on facts. His evidence is based on the documents and therefore the submission which is made cannot be accepted.

25. It is tried to argue on behalf of the bank that the worker had admitted the guilt by his letters dated 16-2-78, 31-10-77 and 6-3-78. So far as the earlier two letters are concerned they are produced on 13-8-96 that is at the time of the argument. So far as the letter dated 6-3-78 is concerned which is M-8 is not produced at all. It can be seen that in the written statement itself the management had taken the plea that to give the sufficient opportunity to the worker they decided to start the inquiry against him. In other words those letters by themselves were not found to be satisfactory for the management to inflict the punishment on the worker. Under such circumstances the arguments which are advanced on behalf of the bank that on the letters themselves the findings of the inquiry officer can be said to be correct cannot be accepted.

26. It is the case of the worker that the appellate authority visited the branch at the time of the investigation and participated in the same. It is therefore he was not competent to hear the same. Sinkar did not affirm to that affect. I do not find any merit in it. There is no reason for coming to the conclusion that the appellate authority had bias against the workman.

27. I have already observed above that as the inquiry which was held against the workman is

against the principles of natural justice the evidence which is on the record cannot be said to be a proper one for coming to the right conclusion. Naturally the findings of the inquiry officer are perverse. In other words they are not sufficient for proving the charges against the workman.

28. The management in the written statement have contended that if the Tribunal comes to the conclusion that the inquiry was not just and proper than it may be given an opportunity to justify its action. Now it is well settled law that such an opportunity has to be given to the management. In the result I record my findings on the issues accordingly and pass the following order :—

ORDER

The inquiry which was held against the workman was against the Principles of Natural Justice.

The findings of the inquiry officer are perverse.

The appellate authority was competent to decide the appeal and had no bias against the workman.

The management is allowed to lead evidence to substantiate its action.

S. B. PANSE, Presiding Officer

नई दिल्ली, 23 सितम्बर, 1996

का.आ. 2907.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-96 को प्राप्त हुआ।

[सं. एन-12012/267/88/ई-II/आई.आर.बी. (II)]

सनान, डेस्क अधिकारी

New Delhi, the 23rd September, 1996

S.O. 2907.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 17-9-96.

[No. L-12012/267/88-D.II.A/IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANDU NAGAR, DEOKI PALACE
ROAD, KANPUR

Industrial Dispute No. 41 of 1987

In the matter of Dispute

BETWEEN

Sri Narendra Kumar C/o P. C. Bajpai,
Allahabad Bank, Swaroop Nagar, Kanpur.

AND

Assistant General Manager,
Allahabad Bank Zonal Office,
113/38, Swaroop Nagar, Kanpur

APPEARANCES :

Sri M. K. Verma—for the Management with
Sh. A. K. Nagar.

Sri Santosh Gupta—for the Workman.

AWARD

1. Central Government, Ministry of Labour,
New Delhi, vide its Notification No. L-12012/267/
88-D.II(A), dated 14-4-1987, has referred the
following dispute for adjudication to this tribunal.

Whether the action of the management of
Allahabad Bank, Kanpur in terminating
the services of Sri Narendra Kumar ex-
Farrash w.e.f. 6-6-82 and not, consider-
ing him for further employment while
recruiting fresh hands under Section
25-H of the Industrial Disputes Act is
justified? If not, to what relief is the
concerned workman entitled?

2. The concerned workman Narendra Kumar
has alleged that he had worked as Farrash from
6-3-82 to 5-6-82 in the Philkhana Branch, Kanpur
with the opposite party Allahabad and he was
doing work of permanent nature and on a per-
manent post. His services were illegally termina-
ted w.e.f. 6-6-82. As there has been breach of
Section 25-G & H of I.D. Act, his termination is
bad in law.

3. In the written statement the opposite party
bank has alleged that the concerned workman has
not worked on any permanent post and was not
doing the work of permanent nature. Instead he
was engaged to meet the exigencies of work in
leave vacancies. In such a case provisions of Sec-
tion 25-G and H of Industrial Disputes Act are
not attracted.

4. In the rejoinder the earlier facts alleged in
the claim statement have been reiterated.

5. In support of his case the concerned work-
man Narendra Kumar has filed his affidavit on
21-9-91, whereas the opposite party has exam-
ined its retired manager Janardan Prasad Tiwari.

6. The only point which needs consideration
is as to whether the concerned workman had wor-
ked on permanent post or temporarily or he was
appointed in leave vacancies.

7. The concerned workman in his cross exami-
nation has stated that at Philkhana Branch, Kanpur
there was one permanent post of Peon and one
sweeper. Ram Kishan was the name of peon. How-
ever, he has denied the suggestion that he was en-
gaged when Ram Kishan went on leave. On the
other hand Janardan Prasad Tiwari had bad al-
leged that concerned workman had not worked on
a permanent post and that he was engaged to meet
the exigencies of work. From the evidence of
workman it is evident that one permanent post of
peon was already there which was named by Ram
Kishan. If it is so, obviously there was no perma-
nent vacancies of peon in this branch, hence it will
be idle to say that the concerned workman has
worked on a permanent post. Instead there appears
more probability in the case of bank that the con-
cerned workman was engaged to meet the exigence
of work. I hold accordingly.

8. When the concerned workman was not en-
gaged in a permanent vacancy in my opinion, if
his services are brought to an end provisions of
Section 25G and H of I.D. Act will not be attrac-
ted when the exigencies of work is over the mana-
gement had every right to do away with the ser-
vices of the concerned workman.

9. Hence my award is that the termination of
the services of the concerned workman was not
bad in law. Consequently the concerned work-
man is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 सितम्बर, 1996

का.आ. 2908—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार
देना बैंक के प्रबंधन के संबंध में निर्योजकों और उनके कर्मचारियों
के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय
सरकार औद्योगिक अधिकरण, 2 मुम्बई के पंचपट को प्रकाशित
करती है, जो केन्द्रीय सरकार को 17-9-96 को प्राप्त हुआ था।

[सं. एन-12012/380/94/आई.आर. बी. (2)]

सनातन, ईस्क अधिकारी

New Delhi, the 23rd September, 1996

S.O. 2908.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the
Central Government hereby publishes the Award
of the Central Government Industrial Tribunal,
No. 2 Mumbai as shown in the Annexure, in the

industrial dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on the 17-9-96.

[No. L-12012/380/94-IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/11 of 1995

Employers in relation to the Management of
Dena Bank

AND

Their Workmen

APPEARANCES :

For the Employer—Mr. V. P. Shintre, Advocate

For the Workmen—Mr. Kishor R. Baliger, Advocate.

Mumbai, dated 28th August, 1996

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/380/94-IR (B.II) dated 30-5-95 had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Dena Bank, Pune, in terminating the services of Shri A. M. Waghmare, Sweeper/Sepoy w.e.f. 5-6-94 is legal and justified ? If not, what relief is the said workman entitled to ?”

2. Anil Mallappa Waghmare, the workman filed a statement of claim at Exhibit-4. He pleaded that he was working as a sepoy with the bank during 28-2-92 to 4-6-94 continuously. He was getting wages of Rs. 65 per day approximately. On June 4, 1994 he was orally terminated. It is averred that while terminating the services the bank did not comply with Section 25-F of the Industrial Disputes Act of 1947. Under each circumstances the termination is void ab-initio. He contended that he was working in the regular post and was not on contract. He prayed for setting the termination and reinstatement in service with continuity with full back wages.

3. The bank resisted the claim by the written statement Exhibit-6. It is denied that the worker was working continuously for 240 days as pleaded.

It is averred that he was working on a contract and was not appointed as sepoy as alleged. It is asserted that the bank cannot appoint any body as sepoy in view of the restriction imposed by the Reserve Bank of India. It is averred that the branch manager appoints a person whenever absolutely necessary for that particular work and on contract. It is asserted that the worker was engaged on purely temporary and contractual basis for doing cleaning and providing wages to the staff. That employment was neither sanctioned by the controlling authority nor the bank.

4. On 20-5-95 the worker gave an application Exhibit-9 for production of the documents by the bank. No say was filed by the bank even though it was given an opportunity for sufficient time. Therefore the direction was given to the bank to produce the document as called for but there was no compliance.

5. Anil Mallappa Waghmare (Exhibit-10) affirmed that he worked continuously as a sepoy between 28-2-92 to 4-6-94 and was paid Rs. 65 per day approximately. He affirmed that he did the duties of a sepoy and completed 240 days continuously in a year. He further affirmed that his employment was on the vacant post and was not on contractual basis. According to him his termination was illegal. There is no cross-examination of this witness as the management remained absent. I may mention it here that the affidavit was filed on 2-8-96. Its copy was send in advance to the management. But on that day they remained absent. The worker all the way came from Sangli District. The matter was then adjourned to 6-8-96. On that day both the parties were absent. In fact the workman was informed not to attend the court on that day as the management was likely to file their say in respect of the documents which were called by Exhibit-9, and on the very day, the next date was given that was of today's date. Today the Learned Advocate for the management filed no instructions prushis (Exhibit-11).

6. The worker filed a statement of working days alongwith Exhibit-7/1. It shows his working days in the year 1992, 1993 and 1994. It does not bear signature of any authority. But for the sake of argument if it is said that it is correct from July, 1993—June 1994 the working days are more than 240 days in a year. He acquires the status of a continuous worker. It can be seen that there is a certificate (Exhibit-7/2) issued by Branch Manager of Bleanki Branch where he was working. It is dated 6-2-96 it is mentioned that he was working continuously between 28-2-92 to 4-6-94. The management found his services satisfactory. Exhibit-7/3 is a letter written by the manager to the Assisrant Labour Commissioner in response to their letter. In the said letter it is contended that

the applicant was never employed as a sepoy. Here before me the applicant affirmed to the effect and there is no cross-examination. There is no reason why the testimony of the worker has to be rejected. There is no compliance of any of the provisions of Section 25-F of the Act. He stated that he was not given any notice or reasons for his termination w.e.f. 4-6-94. I therefore accept the case of the worker as it is. His termination is illegal and unjustified. I therefore pass the following order :

ORDER

The action of the management of Dena Bank, Pune in terminating the services of Shri A. M. Waghmare sepoy/sweeper w.e.f. 5-6-94 is not legal and justified.

The management is directed to reinstate the workman at the same post at the time of his termination on 5-6-94, and further directed to pay him all the dues from that date till his reinstatement.

S. B. PANSE, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का.आ. 2909.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, जी.बी. महात्रा तथा कं. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, मुम्बई 1 पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-9-96 को प्राप्त हुआ।

[सं. एल-31011/1/96-आई. आर. (विविध)]
जी. एम. डेविड डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2909.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No.-I, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. G. B. Mhatra & Co. and their workman, which was received by the Central Government on the 17-9-96.

[No. L-31011/1/96-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL NO. 1, MUMBAI

Present :

Shri Justice R. S. Verma, Presiding Officer.

2349 GI/96-8

REFERENCE NO. CGIT-1/10 OF 1996

Parties :

Employers in relation to the management of
M/s. G. S. Mhatra & Co.

AND

Their Workmen

Appearances :

For the Management : No appearance.

For the Workman : No appearance.

STATE : Maharashtra

Mumbai, dated the 03rd day of September, 1996

AWARD

None—for the union.

None—for the management.

The appropriate Government referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of M/s. G. B. Mahatra & Co. in terminating the services of Mr. Ram Kashinath Mhatra and 36 others (as per the list submitted by the Union on 6-3-1995) is legal and justified ? If not, what relief the workmen concerned are entitled to ?"

2. The union espousing the cause of the workman filed its written statement of claim on 01-7-96 viz. the date fixed for hearing. None appeared on that date for the management of M/s. Mhatra & Co. and the case was adjourned to 3-9-96. Notices were directed to be issued to M/s. Mhatra & Co. However, it appears that on 05-7-96 one Mr. S. I. Kazi, Advocate appeared on behalf of the management and received the copy of the written statement of claim and made an endorsement on the ordersheet as also on the original written statement of claim. It does not appear that Mr. Kazi filed any authority on behalf of the management. The office did not issue notice to the management presumably because of this Development. This is not a proper practice and office should take note of it. In future, no person, unless duly authorised by a party, should be allowed to enter his appearance in any form, unless authority is filed.

3. However, the fact is that the management was served by registered post A.D. on 25-5-96 for hearing fixed on 03-7-96 and it has not cared to put in formal evidence.

4. I have perused the statement of claim filed by the union and I am of the opinion that it does not disclose any case, on the basis of which any relief may be granted to the workman.

5. From the said written statement of claim, it appears that workmen whose names appear in the list, used to be employed by contractors for doing work for the ONGC. These workmen were emp-

loyed by M/s. Mhatra & Co. some time in July 94 and their services were terminated before they could complete 240 days of service under the said employer M/s. Mhatra & Co. When it is so, and the workmen had only worked for the period July 94 to 9-12-94, as pleaded by the union, under this Co-para no rights accrued to them, to continue in service and claim protection of the provisions of the I. D. Act.

6. In the written statement of claim a reference was made to two memorandum of understanding dated 15-1-92 and 12-7-95 signed before the Regional Labour Commissioner (Central) between the union and the ONGC. It has not been suggested or pleaded that M/s. Mhatra & Co. were a party to these two memoranda. Hence, no enforceable right was created against the said company. Moreover, union has not even cared to file these memoranda or copies thereof to enable the Tribunal to ascertain as to how they bind the said company.

7. In the aforesaid premises, I find that the union has failed to show that termination of the services of the workmen named in the list was illegal, improper or bad. They are not entitled to any relief. Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का.आ. 2910.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मौरगाव पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-96 को प्राप्त हुआ था।

[सं. एल-36012/2/94-आई.आर. (विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2910.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No.-I, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mormugao Port Trust and their workman, which was received by the Central Government on the 17-9-96.

[No. L-36012/2/94-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

Present :

Shri Justice R. S. Verma, Presiding Officer.

REFERENCE NO. CGIT-1/30 OF 1995

Parties :

Employers in relation to the management of Mormugao Port Trust.

AND

Their Workmen

Appearances :

For the Management : Shri L. V. Talaulikar, Advocate.

For the Workman : Shri Ulhas Shetye, Advocate.

STATE : Goa

Mumbai, dated the 6th day of September, 1996

AWARD

1. The appropriate Government has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Mormugao Port Trust in imposing the punishment of reducing the basic pay by two stages for a period of two years on Shri U. Naik is justified? If not, to what relief the workman is entitled to?”

2. Admittedly, Shri Maruti U. Nayak was serving as a Khalasi under the Assistant Ex. En|HL (M) section of the Engineering Civil Department of Mormugao Port Trust at the relevant period. Prior to the day of incident, Shri Maruti Naik had gone on leave on medical grounds and had submitted certain medical certificates in respect of his ailment. But, the Chief Engineer had given oral instructions to the Assistant Executive Engineer Shri N. Keshavamurthy, not to take Maruti Naik on duty. Hence, admittedly Maruti Naik was not taken back on duty in spite of the fact that he had submitted certificates.

3. It is alleged that on 22-11-91 Shri Maruti U. Naik went to the office of the said Assistant Executive Engineer Shri N. Keshavamurthy and an incident took place on the basis of which following charges were framed against Shri said Maruti U. Naik by the Chief Engineer, the Disciplinary Authority of Mr. Nayak :

“Statement of articles of charge framed against Shri Maruti U. Naik, Khalasie, Ref. No. 130230 working in Asstt.|HL section of the Engineering Civil Department, Mormugao Port Trust.

CHARGE

1. That the said Shri Maruti U. Naik, Khalasie, attached to ASST/HL Section of the Engineering Civil Department, Mormugao Port Trust has encountered Shri N. Keshavamurthy, AEE in his office on 22-11-1991 at about 15.15 Hrs. and insisted to give in writing why he should not be taken on duty.
2. That the said Shri Maruti U. Naik, used abusive language and shouted at Shri N. Keshavamurthy, AEE and gave all sorts of unparliamentary words.
3. That Shri Maruti U. Naik, obstructed Shri N. Keshavamurthy, AEE from carrying out his duties.

C. RAMASWAMY, Chief Engineer

(Pending the enquiry, the workman was placed under suspension vide order dated 18-12-1991.

6. Shri P. N. Samudra Executive Engineer of Engineering Civil Department was appointed Enquiry Officer to enquire into the said charges.

9. The Enquiry Officer commenced the enquiry on 02-4-92. The workman denied the charges levelled against him. The department examined witnesses Prem Kumar, Krishna Tandel and Prabhakar Bhandari in support of its case. Shri N. Keshavamurthy, the principal witness, who could have unfolded the true version about the charges framed against the workman was not examined at the domestic enquiry. Nor was the workman asked to explain the circumstances appearing in departmental evidence against him. Yet, the Enquiry Officer by his report dated 26-8-92, found the charges proved against the workman and submitted the report to the disciplinary Authority.

6. The Disciplinary Authority concurred with the findings of the Enquiry Officer and issued him a show cause notice dated 14th September, 1992 calling upon the workman as to why he may not be dismissed from service. The workman submitted his explanation dated 21-9-92. The Disciplinary Authority considered the same and passed an order of dismissal on 24-9-92. The workman went into appeal against the said order of dismissal which was heard and decided by the Deputy Chairman and Appellate Authority, who upheld the charges as proved but found that the punishment inflicted was excessive. Upon such view of the matter, the Appellate Authority inter alia recorded the following order :

"That the pay of Shri Maruti U. Naik be reduced by two steps from Rs. 1300/- to Rs. 125/- in the time scale of pay of Rs. 1040-20-1200-25-1425 for a period of two years with effect from 24-9-1992

and Shri Naik will not care increments of pay during the period of reduction and that on the expiry of this period the reduction will not have the effect of postponing his future increments of pay".

The period of suspension w.e.f. 18-12-91 till the date of this order will be treated as dies non. Further it is deemed to be continued under suspension from the date of dismissal i.e. 24-9-92 till the date of issue of this order."

7. It may be mentioned that on 8th December, 1991 one more memorandum charging the workman with some more misconduct was issued. This memorandum reads as follows :

MEMORANDUM

Whereas vide this office Memorandum No. CE/ESTF. 5(11)/4718 dated 31-10-91 Shri Maruthi U. Naik, Khalasie, EDP No. 130230 was directed to report to COM/MPT Hospital to get himself medically examined.

And whereas it has been reported by the CMO that the said Shri Naik had reported to the hospital on 31-10-1991 at 3.35 p.m. and was attended to by Dr. Saved Hassan who had advised him to get admitted for investigation for which he has refused to get admitted. It is also reported that he had reported to hospital on 7-11-1991 and 8-11-1991 but failed to report to the doctor on both these days.

And whereas further reported by CMO that 12-11-1991 from the said Shri Naik cannot be considered for having failed to comply with the instructions contained in the Memorandum referred to in para 1 above.

And whereas as further reported by CMO that the said Shri Naik was admitted in the MPT Hospital on 26-11-91 afternoon for investigation as advised by Dr. Uday Naik, AMO, but he got himself discharged in the morning of 28-11-91 against the medical advice. It has been further reported that Shri Naik reported to the CMO at 2.30 p.m. on 28-11-91 had refused to get himself admitted for further examination.

Therefore, the said Shri Naik is directed to submit his proper explanation in writing within 3 days from the date of receipt of this Memorandum as to why discip-

linary action should not be initiated against him in terms of MPT (Conduct) Reg. 1964. The reply should reach this office positively within the specified time.

Sd/-
Chief Engineer"

However, it may be stated that no enquiry appears to have been made on the said charges and no punishment appears to have been inflicted in consequence of the said Memorandum. Hence, the said charges are not subject matter of the dispute referred to this Tribunal and I have referred to the said memorandum, only with a view to complete the narration.

8. It appears that the Goa Port and Dock Employees Union took up the dispute regarding infliction of punishment on the workman referred to above in para 6 of this award, before conciliation. The conciliation having failed, the appropriate Government referred the dispute to this Tribunal for adjudication. The union filed its statement of claim on 9-10-95 wherein the legality and fairness and propriety of the domestic enquiry was inter alia challenged. The management filed its reply on 13-11-95.

9. By order dated 5-8-96, the Tribunal held the enquiry to be vitiated in as much as the management had withheld the principal prosecution witness viz., Shri N. Keshavamurthy depriving himself of the workman of an opportunity of cross-examination the most important witness of the management. At this, the management prayed for opportunity to lead evidence before the Tribunal in support of the charge. This request was not opposed by the union. As such, the management was allowed to lead its evidence in support of the charge. Affidavit of Shri N. Keshavamurthy was filed in lieu of examination in Chief. The witness was cross-examined at length by the learned counsel for the union. In rebuttal, the workman filed his own affidavit in lieu of examination in chief. The workman was also cross-examined at length by learned counsel for the management. Both the sides having closed their respective evidence, argued the matter at length on 9-8-96. The matter was reserved for award. Now, by this award, I propose to adjudicate upon the dispute on merits. Here I may state that it is not in dispute that on 22-11-91, Mr. Maruti Naik did visit the room of Mr. N. Keshavamurthy. Though, there are rival versions as to what transpired at this meeting.

10. It is an admitted position on both hands that sometime prior to fateful day, the workman had been on leave on medical grounds. He had submitted certain medical certificates in proof of his ailment. However, on return from leave, he was not allowed to join duty. Mr. Keshavamurthy

was the direct and immediate superior of the workman.

11. Mr. N. Keshavamurthy has admitted that the workman entered his chamber after taking his oral permission. Mr. Keshavamurthy has admitted in his cross-examination "This is correct that Maruti Naik had come to me to find out as to what had happened to his medical certificates issued by Chicalim Hospital". He has admitted "Mr. Naik told me that those certificates were not available in the Chief Engineers' Office". The witness admits "I had personally checked up the same day after the incident that the medical certificates are in the CE' office". This cross-examination shows quite categorically that the workman had come to protest about the unavailability of his medical certificates, even though they had been duly submitted.

12. Now, I take up charge No. 2 which alleges that the workman used abusive and unparliamentary language towards the witness, his immediate superior. It is also alleged that the workman shouted at Shri N. Keshavamurthy. Now, Shri N. Keshavamurthy does not allege that the workman used any abusive or unparliamentary language towards him. In his cross-examination, he categorically stated "This is correct that Maruti Naik did not abuse me. This is also correct that he did not use any unparliamentary language". Thus, this part of charge No. 2 not only not proved but is rather demolished by the testimony of this witness.

13. The witness has not stated in the affidavit that the workman shouted at him. Instead, he has said "He was not prepared to listen to my contentions and started raising his voice in an aggressive manner". In his cross-examination, he has admitted "Naik . . . was insisting that he shall not go unless he knows as to what has happened to his certificates. He was insisting in a loud voice." Now, this evidence does not show that the workman shouted at the Asstt. Executive Engineer.

14. Now, I may discuss the evidence adduced during domestic enquiry on this aspect. Prem Kumar does not say that the workman shouted at the Asstt. Executive Engineer or he used any abusive or unparliamentary language towards the Asstt. Executive Engineer. He has simply stated that the tone of the workman was excited. Krishna Tandel is the other witness on this aspect and he also does not support the version that the workman abused or used unparliamentary language or shouted at the Asstt. Executive Engineer. He states that he did not hear any conversation between the workman and the Asstt. Executive Engineer. Prabhakar Bhandari is the next witness on this aspect of the case. He also does not support the story that the workman shouted or used abusive language or used unparliamentary language to Asstt. Executive Engineer. He has also explained

that the tone of the workman was excited. This is to be remembered that according to the workman, he had submitted his medical certificates and these were not traceable at the office of the Chief Engineer and hence he had gone to the office of the Asstt. Executive Engineer to find out as to what the Assistant Executive Engineer had done to his medical certificates. The officer has admitted that the workman was insisting that he shall not go unless he knows as to what had happened to his medical certificates. Now, such an insistence could not amount to shouting at the Asstt. Executive Engineer. I, therefore, find that this charge has not been proved at all.

15. Now, I may deal with with charge No. 1 which alleges that the workman encountered Shri N. Keshavamurthy and insisted to give in writing as to why he should not be taken on duty. As stated earlier, the workman had entered the office of Shri N. Keshavamurthy with his prior permission. As stated above, the workman had only insisted that he would not go unless he knows as to what had happened to his medical certificates. In my opinion this conversation even in an excited tone could not amount to encountering Shri Keshavamurthy. The other witnesses examined during the domestic enquiry also do not support the version of the Prosecutor viz., workman encountering the Assistant Executive Engineer. Thus, this charge is also not proved.

16. The third charge against the workman is that he obstructed Shri Keshavamurthy in discharge of his duties. Shri Narasimha Keshavamurthy has alleged that the workman was not allowing him to leave his cabin. He had to attend inspection work at MRH Bungalow but Maruti Naik followed him and set in his jeep and upon this Mr. N. Keshavamurthy went to the office of the Executive Engineer. Now, I may straightway state that the workman was not charged at all with the act of sitting forcibly in the Jeep of the Asstt. Executive Engineer and hence this charge does not need any scrutiny. Now, as regards alleged obstruction to discharge of duties of Shri Keshavamurthy, Mr. Keshavamurthy has admitted in cross-examination: "Maruti Naik kept on standing on one side of my table. He did not stop me physically from going out. I came out of the room without physical contact with Naik. He was only orally telling me not to go out". Now from this evidence, it does not appear that there was any obstruction by the workman to discharge of duties by Mr. N. Keshavamurthy. To my mind, he was justified in asking as to what had happened to his medical certificate. The Asstt. Executive Engineer admits that the same day, he had gone to Chief Engineers' Office and had personally checked up that the medical certificates were in Chief Engineer's office. The insistence of the workman, to the Asstt. Executive Engineer, who was his immediate superior and immediate authority, to inform

the workman as to what had happened to his medical certificates, could not be termed as obstruction to discharge of duties of the Asstt. Executive Engineer. If after seeing the insistence of the workman, the Asstt. Executive Engineer instead of going to inspect the works at MRH Bungalow, went to the office of the Executive Engineer or Chief Engineer, to check up about the whereabouts of the medical certificates of the workman, it can not be said that there was any obstruction to performance of the duties of the Asstt. Executive Engineer. I, therefore, find that this charge is also not proved by satisfactory evidence.

17. I, therefore, find that the punishment imposed upon the workman by reducing his basic pay by two stages for a period of two years is not justified. He is entitled to be paid emoluments at the getting prior to infliction of punishment with consequential benefits. The union shall get its costs from the management, which are assessed of Rs. 1000/-. Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का.आ.।—जबकि एशियन टर्मिनल के प्रबंधन और उनके कामगार जिनका प्रतिनिधित्व कोचीन पत्तन श्रमिक संघ, कोचीन थूरामुघा थोझिलाली संघ कोचीन पत्तन और गोदी कर्मचारी संघ, तथा कोचीन पत्तन थोझिलाली संघ, कोचीन गोदी कर्मचारी संघ तथा कोचीन पत्तन कर्मचारी संघ, कोचीन द्वारा किया जा रहा है, के मध्य एक औद्योगिक विवाद विद्यमान है,

और जबकि उक्त प्रबंधन और उनके कामगार, जिनका प्रतिनिधित्व छः संघ कर रहे हैं, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (i) के अन्तर्गत लिखित करार द्वारा उक्त विवाद को विवाचन के लिए भेजने पर सहमत हो गए हैं तथा उक्त विवाचन करार को एक प्रति केन्द्रीय सरकार को भिजवा दी गयी है,

अतः, अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के अन्वय में, केन्द्रीय सरकार उक्त करार को प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अंतर्गत)

के बीच

पक्षकारों के नाम

नियोक्ता के प्रतिनिधि: एशियन टर्मिनल, कोचीन-3 कोचीन-3
कामगारों के प्रतिनिधि:

- (1) कोचीन पत्तन श्रमिक संघ,
- (2) कोचीन थूरामुघा थोझिलाली संघ, कोचीन-3
- (3) कोचीन पत्तन एवं गोदी कर्मचारी संघ, कोचीन-3
- (4) कोचीन पत्तन थोझिलाली संघ, कोचीन-3
- (5) कोचीन गोदी कर्मचारी संघ, कोचीन-3
- (6) कोचीन पत्तन कर्मचारी संघ, कोचीन-9

पक्षकार विवाचन के लिए निम्नलिखित विवाद की थी
ए. चक्रवर्ती, प्रबंध निदेशक, भारतीय पत्तन संघ, 19,

संस्थागत क्षेत्र, लोबी रोड, नई दिल्ली-110003 के पास भेजने के लिए सहमत हो गए हैं।

(i) विवादों संबंधी विशिष्ट मामले :

1. (क) क्या थ्रिनिंग्टन द्वीप समूह में निजी कुलाई केन्द्र के प्रचालन से पत्तन कर्मचारियों के रोजगार प्रभावित कम होंगे ?

और

(ख) क्या थ्रिनिंग्टन द्वीप समूह में निजी कुलाई केन्द्र का प्रचालन कोचीन पत्तन न्यास के हित के लिए व्यापक रूप से घातक है ?

2. क्या एशियन टर्मिनल के कार्य के लिए भर्ती किए गए 33 कर्मचारियों को ऊपर वर्णित टर्मिनलों में नियोजन का अधिकार है ?

3. क्या एशियन टर्मिनल सहित द्वीप समूह में प्रस्तावित निजी सीएफएस में पोर्ट सीएफएस क खुलने के परिणामस्वरूप बेरोजगार हुए पल कर्मचारियों को काम पर लेने के लिए अध्यक्ष, कोचीन पत्तन न्यास द्वारा किए गए आश्वासन के कर्तव्यमयन हेतु संघों की मांग व्यापक है ?

(ii) अन्तर्गत उपक्रम अथवा ऊपर दिए गए अनुसार प्रतिष्ठान के नाम और पते सहित विवरण में शामिल पक्षकारों का व्योरा

(iii) अस्तित्व में कामगारों का प्रति- ऊपर दिए गए अनुसार निश्चित करने वाले संघ, यदि कोई हो, का नाम

(iv) उपक्रम में नियोजित प्रभावित 33 कामगारों की कुल संख्या

(v) विवाद से प्रभावित कामगारों लगभग 500 की अनुमानित संख्या

हम इस बात से भी सहमत हैं कि विवाचक का निर्णय हम पर बाध्यकारी होगा।

विवाचक अपना पंचाट एक माह की अवधि के भीतर अथवा हमारे बीच लिखित में परस्पर समझौते द्वारा बढ़ाए गए समय के भीतर देगा। यदि ऊपर वर्णित अवधि के भीतर पंचाट नहीं दिया जाता है तो विवाचन संबंधी संदर्भ स्वतः निरस्त हो जाएगा तथा हम नए सिरे से विवाचन के लिए बार्ता करने के लिए स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

निरोधक के प्रतिनिधि

(ह./-)

एशियन टर्मिनल

कामगारों के प्रतिनिधि

(ह./-)

कोचीन पत्तन श्रमिक संघ

(ह./-)

कोचीन थुरामुघा थोझिलाली संघ

(ह./-)

कोचीन पत्तन एवं गोदी कर्मचारी संघ

(ह./-)

कोचीन पत्तन थोझिलाली संघ

(ह./-)

कोचीन गोदी कर्मचारी संघ

(ह./-)

कोचीन पत्तन कर्मचारी संघ

सक्ष :

1. (ह./-)

के. पाल मैथ्यू,

श्रम अधिकारी,

कोचीन पत्तन न्यास

2. (ह./-)

ई. कुमार,

अध्यक्ष के निजी सचिव

कोचीन पत्तन न्यास

विवाचक की सहमति

दिनांक 24-7-1996

सचिव,

भारत सरकार, श्रम-मंत्रालय,

रोजगार एवं पुनर्वास,

(श्रम एवं नियोजन विभाग),

नई दिल्ली।

महोदय,

विषय : एशियन टर्मिनल बनाम छः संघों के बीच विवाचन करार

मैं, एशियन टर्मिनल और छः संघों के बीच विवाद में विवाचक होने के लिए अपनी सहमति व्यक्त करता हूँ।

अवधीय,

(ह./-)

(ए. चक्रवर्ती)

प्रबंध निदेशक

[फा. सं. एल-45013/1/96-आई. प्रार. (विधि)]

बी. एम. डेविड, डैक अधिकारी

New Delhi, the 17th September, 1996

S.O. 2911.—Whereas an industrial dispute exists between the management of Asian Terminals and their workmen represented by Cochin Port Labour Union, Cochin Thuramugha Thozhilali Union, Cochin Port & Dock Employees Union, Cochin Port Thozhilali Union, Cochin Dock Employees Association and Cochin Port Staff Association Cochin ;

And whereas, the said management and their workmen represented by six unions have by written agreement under sub-section (i) of section 10-A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now therefore, in pursuance of sub-section (3) of Section 10-A of the said Act, the Central Government hereby publishes the said agreement.

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947)

BETWEEN

NAMES OF THE PARTIES

Representing Employer : Asian Terminals, Cochin-3

Representing the Workman :

1. Cochin Port Labour Union,

Cochin-3.

2. Cochin Thuramugha Thozhilali Union,

Cochin-3.

3. Cochin Port & Dock Employees Union,
Cochin-3.
4. Cochin Port Thozhilali Union,
Cochin-3.
5. Cochin Dock Employees Association,
Cochin-3.
6. Cochin Port Staff Association,
Cochin-9.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri A. Chakravorthy, Managing Director, Indian Ports Association, 19, Institutional Area, Lodi Road, New Delhi 110 003.

(i) Specific matters in disputes;

1.(a) Whether operation of a private Freight Station in Willingdon Island will reduce the job opportunities of the Port Workers ? and

(b) Whether operation of a private Freight Station in Willingdon Island is detrimental to the interest of Cochin Port Trust at large?

2. Whether the 33 workers recruited for the work of Asian Terminals have the right to employment in the aforesaid Terminals ?

3. Whether the demand of the Unions for implementation of the assurance given by the Chairman, Cochin Port Trust to engage pool workers who became jobless consequent on the opening of the Port CFS in the proposed private CFS in Island including the Asian Terminals is justified?

(ii) Details of the parties to the dispute Given as above including the name and address of the establishment or undertaking involved;

(iii) Name of the Union, if any, Given as above representing the workmen in question

(iv) Total number of workmen 33 employed in the undertaking affected

(v) Estimated number of workmen About 500 affected by the dispute.

We further agree that the decision of the Arbitrator be binding on us.

The Arbitrator shall make his award within a period of one month or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the Parties	
Representing Employer	Representing Workmen
(Sd/-)	(Sd/-)
ASIAN TERMINALS	Cochin Port Labour Union (Sd/-)
	Cochin Thuramugha Thozhilali Union (Sd/-)
	Cochin Port & Dock Employees Union (Sd/-)
	Cochin Port Thozhilali Union (Sd/-)
	Cochin Dock Employees Assn. (Sd/-)
	Cochin Port Staff Association

Witnesses :

1. (Sd/-)	2. (Sd/-)
K. Paul Mathew, Labour Officer, Cochin Port Trust.	E. Kumaran PS to Chairman Cochin Port Trust

CONSENT OF THE ARBITRATOR

24-7-1996

To

The Secretary to the Government of India,
Ministry of Labour,
Employment & Rehabilitation,
(Department of Labour & Employment),
New Delhi.

Sir,

Sub : Arbitration Agreement between Asian Terminals
Vs: Six Unions.

I hereby give my consent to be the Arbitrator in the dispute between Asian Terminals and six Unions.

Yours faithfully,
(Sd/-)

(A. Chakravorthy)
Managing Director

{File No. L-45013/1/96-IR (Misc.)}
B. M. DAVID, Desk Officer

नई दिल्ली, 17 सितम्बर, 1996

का. आ. 2912:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचवट की प्रकाशित करती है, जो केन्द्रीय सरकार की 17-9-96 को प्राप्त हुआ था।

[सं. एल-32011/11/90-आर.आर. (विवाद)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2912.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on the 17-9-96.

[No. L-32011/11/90-IR (Misc.)]

B. M. DAVID, Desk Officer
ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 7 of 1991

PARTIES :

Employers in relation to the Management of
Calcutta Port Trust

AND

Their Workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding
Officer

APPEARANCES :

On behalf of Management—Mr. G. Mukherjee, Senior Labour Officer (R)

On behalf of Workmen—Mr. P. C. Laha,
Secretary of the Union

STATE : West Bengal

INDUSTRY : Port

AWARD

By Order No. L-32011/11/90-IR(Misc.), dated 27-3-91/1-4-91 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for 'adjudication :

"Whether the action of the management of Calcutta Port Trust in discontinuing the practice of issuing circular inviting applications from the eligible employees for being considered for the post of Shift Engineer/Senior Supervisor and giving advertisement in the Newspaper inviting applications from outside candidates is justified ? If not, to what relief the concerned employees are entitled ?"

2. The workmen examined their only witness W|W/-1 on 1-7-1992 in chief who was not cross-examined thereafter. The witness had been examined by the management. Without subjected to the cross-examination, the evidence recorded in chief on 1-7-1992 cannot be regarded as evidence in the case.

3. A petition is received under the signature of Mr. Janaki Mukherjee, General Secretary of the National Union of Waterfront Workers (INTUC) on the 6th of December, 1994 mentioning therein that the workmen have given up their case and did not like to continue the same and a prayer was made therein that the workmen be allowed to withdraw their case.

4. The case was put up on 6th December, 1994 before the Tribunal in presence of Mr. G. Mukherjee, Senior Labour Officer on behalf of the management and Mr. P. C. Laha, Secretary of the Union on behalf of the workmen. Both the parties consented for a "No Dispute" Award in the case.

5. Accordingly, this reference is disposed of with a "No Dispute" Award.

Dated, Calcutta,

The 2nd September, 1996

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1996

का.आ. 2913.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पुलिस ओसिन लाईन्स के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 1, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-96 को प्राप्त हुआ था।

[सं. एल-32012/5/94-आई. आर. (विषय)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th September, 1996

S.O. 2913.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Polish Ocean Lines, Bombay and their workmen, which was received by the Central Government on 17-9-96.

[No. L-32012/5/94-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI PRESENT :

Shri Justice R. S. Verma, Presiding Officer.

Reference No. CGIT-1/4 of 1995

PARTIES :

Employers in relation to the management of M/s. Polish Oceans Lines, Bombay.

AND

Their workmen

APPEARANCES :

For the Management—Shri Zenon Drucis & Shri S. G. Naidu, Advocates

For the Workman—Shri S. M. Dharap, Advocate

STATE : Maharashtra Industry : Polish Ocean Mumbai, dated the 4th day of September, 1996

AWARD

Shri Sanjay Sathe workman with Shri S. M. Dharap Advocate, Shri Zenon Drucis with Shri S. C. Naidu Advocate. Both the parties state that the dispute has been settled out of Court and the dispute be adjudicated in terms of settlement. The parties have filed a written statement in three sheets and the same has been verified.

2. I have perused the terms of settlement. They are just and fair in the peculiar facts and circumstances of the case. The settlement is hereby recorded and is taken on record and shall form part of the award. The dispute referred to the Tribunal by the appropriate Government vide Order dated 30-12-95/12-1-95 is accordingly disposed of in terms of the settlement, which as stated above shall be an integral part of this award. Both the sides state that all payments under the settlement have been made and the first party shall unconditionally withdraw summary suit No. 4150 of 1994 pending in the High Court. Both the parties state that documents referred to in para 4 of the settlement have been duly returned. Both the parties state that the dispute stands finally resolved as stated in the settlement. Dispute decided as settled. Award is made as per terms of settlement.

R. S. VERMA, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, MUMBAI

Reference No. CGIT-1/4 of 1995

M/s Polish Ocean Lines—First Party

Vs.

Shri Sanjay Sathe—Second Party

CONSENT TERMS

Parties to the Reference have settled the Dispute amicably on terms and conditions as follows :

- (1) That the First Party shall pay to the Second Party an amount of Rs. 50,000 (Rupees Fifty thousand only) towards full and final settlement including his demand for reinstatement with continuity of service with full back wages on and with effect from 21st September, 1992:
- (2) That the Second Party agrees to accept the above amount in full satisfaction of all claims and he shall not have any further claim demand and/or dispute including that of reinstatement and/or re-employment against the Company;
- (3) The First Party agrees that the entire amount of Rs. 1,03,327.00 (Rupees one lakh three thousand three hundred twenty seven only) claimed in Statement of Account annexed to Order dated 21-9-1992 at Exhibit O to the Plaint together with interest thereon as claimed in Exhibit 'P' to the Plaint in Summary Suit No. 4150/1994 filed by the First Party in Hon'ble High Court, Bombay against the Second Party stands waived and First Party declares that no amount whatsoever shall now be payable by the Second Party to the First Party. Accordingly First Party undertakes to unconditionally withdraw Sum-

mary Suit No. 4150 of 1994 in the High Court, Bombay.

- (4) The First Party shall return within seven days from date here of all original documents pledged by Second Party for securing Housing Loan to the Second Party and Second Party shall stand duly discharged of the said debt to the First Party.
- (5) The amount of Rs. 50,000 (Rupees fifty thousand only), as per clause 1 above, and the amount upon waived includes a sum of Rs. 23,000 (Rupees twenty three thousand only) towards gratuity for 15 years of service rendered by the Second Party to the First Party and Rs. 27,000 (Rupees twenty seven thousand only) towards leave wages, bonus and demand for back wages for the period 21st September, 1992 to 03-09-96.
- (6) Both parties agree and declare that all disputes between the parties stand resolved finally and irrevocably by this settlement.
- (7) Parties pray that this Hon'ble Tribunal pass an Award in terms above and dispose off the Reference accordingly.

This settlement executed at Bombay on this 4th day of September, 1996.

FOR POLISH OCEAN LINES

(FIRST PARTY)

Sd./1

DIRECTOR

Sd./1

ADVOCATE FOR FIRST PARTY

SANJAY SATHE
(SECOND PARTY)

Sd./1

ADVOCATE FOR SECOND PARTY

